

**U.S. DEPARTMENT OF EDUCATION
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION
WASHINGTON, D.C. 20202**

**FY 2001
APPLICATION FOR GRANTS
UNDER THE MAGNET SCHOOLS
ASSISTANCE PROGRAM**

CFDA Number: 84.165A

**FORM APPROVED
OMB No. 1810-0516, EXP. DATE 12/31/2000**



DATED MATERIAL - OPEN IMMEDIATELY

Closing Date: December 22, 2000

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SECTION A

DEAR COLLEAGUE LETTER

Dear Colleague:

Thank you for your interest in the Magnet Schools Assistance Program (MSAP). Included in this application package are the instructions and forms needed to submit an application to the U.S. Department of Education (ED). Please take the time to thoroughly review the authorizing statute, the program regulations and all of the application instructions.

I want to take this opportunity to remind you about the performance indicators that have been developed for the MSAP. We have included a copy of the MSAP's performance indicators in this application package for your information. As part of a government-wide effort to improve the performance and accountability of all Federal programs, the Government Performance and Results Act (GPRA) requires the development and use of performance indicators to set goals for program performance, and measure and report program results. The MSAP's performance indicators focus on the four elements of the statutory purpose of the MSAP. For the MSAP, we have also developed a performance indicator guide for applicants and grant recipients which discusses the MSAP's performance indicators in detail and contains many useful examples of the types of information that are responsive to these indicators. The guide is easily accessible through the ED web site at <http://www.ed.gov/PDFDocs/msapguide.pdf>. You may also receive a copy by writing to us at the address shown in the closing date notice under the heading "For Program Information".

I also want to call to your attention the invitational priority for low-performing schools that we have included in this year's closing date notice. This priority responds to the President's May 3, 2000 Executive Order on Actions to Improve Low-Performing Schools and is designed to encourage MSAP applicants to include low-performing schools in their proposed MSAP projects wherever appropriate and feasible. You may review the entire executive order, which outlines several steps to be taken as part of a comprehensive strategy to bring about improvements in low-performing schools, through ED's web site at <http://www.ed.gov/PressReleases/WhiteHouse.html>.

As in the past, we have been working very closely with the Office for Civil Rights (OCR). It is very important that applicants provide all of the information required about their desegregation plans and we urge you to pay particular attention to the discussion in the closing date notice regarding "narrowly tailoring". The MSAP closing date notice is located in Section C of this application package and describes in detail the information that needs to be submitted.

Applicants are encouraged to seek technical assistance if they have questions concerning

the MSAP, the MSAP's eligibility requirements or the MSAP application process. If you have questions about these or other matters regarding the MSAP, staff from both our School Improvement Programs' Office and from OCR are available to provide technical assistance to you. Please refer to the information on the page immediately following this letter for the names, e-mail addresses and telephone numbers of contact persons.

We look forward to receiving your application and appreciate your efforts to promote equity and excellence for all children through high quality magnet schools that are part of approved desegregation plans.

Sincerely,

Arthur Cole
Director
School Improvement Programs
Elementary and Secondary Education

WHO TO CONTACT FOR TECHNICAL ASSISTANCE

For technical assistance regarding the Magnet Schools Assistance Program application requirements, selection criteria, priorities or performance indicators:

Steven L. Brockhouse
steve_brockhouse@ed.gov
202-260-2476

Sandra Brown
sandra_brown@ed.gov
202-260-2638

Latonya Darby
latonya_darby@ed.gov
202-260-1924

Richard I. Kress
richard_kress@ed.gov
202-260-1408

Iris A. Lane
iris_lane@ed.gov
202-260-1999

Kay Wagner
kay_wagner@ed.gov
202-260-0912

For technical assistance regarding desegregation plan eligibility requirements under the MSAP:

Jeanette J. Lim
Office for Civil Rights
jeanette_lim@ed.gov
202-205-8635

Steven L. Brockhouse
Office of Elementary and Secondary Education
steve_brockhouse@ed.gov
202-260-2476

Alexander Choi
Office for Civil Rights
Alexander_choi@ed.gov
202-205-8635

David M. Leeman
Office for Civil Rights
david_leeman@ed.gov
202-205-8635

SECTION B

LEGAL & REGULATORY DOCUMENTS

4001-01-P

DEPARTMENT OF EDUCATION

(CFDA No.: 84.165A)

Magnet Schools Assistance Program

Notice inviting applications for new awards for fiscal year (FY) 2001

PURPOSE OF PROGRAM: The Magnet Schools Assistance Program (MSAP) provides grants to eligible local educational agencies and consortia of such agencies to support magnet schools that are part of approved desegregation plans.

ELIGIBLE APPLICANTS: Local educational agencies (LEAs) and consortia of such agencies.

APPLICATIONS AVAILABLE: August 23, 2000

DEADLINE FOR TRANSMITTAL OF APPLICATIONS: December 22, 2000

DEADLINE FOR INTERGOVERNMENTAL REVIEW: February 23, 2001

ESTIMATED AVAILABLE FUNDS: \$92,000,000.

The actual level of funding, if any, is contingent on final congressional action. However, we are inviting applications at this time to allow enough time to complete the grant process before the end of the Federal fiscal year (October 1, 2001), if Congress appropriates funds for this program.

ESTIMATED RANGE OF AWARDS: \$200,000 - \$3,000,000 per year.

ESTIMATED AVERAGE SIZE OF AWARDS: \$1,533,000 per year.

ESTIMATED NUMBER OF AWARDS: 60.

Note: The Department is not bound by any estimates in this notice.

PROJECT PERIOD: Up to 36 months.

APPLICABLE REGULATIONS: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR Parts 75, 77, 79, 80, 81, 82, 85, 86, 97, 98, 99 and 299. (b) The regulations for this program in 34 CFR Part 280.

PRIORITIES:

Under 34 CFR 75.105(c)(2)(i) and 34 CFR 280.32(b)-(f), we award up to an additional 45 points to an application, depending on how well the application

meets the five priorities listed below. These points are in addition to any points the applicant earns under the selection criteria in 34 CFR 280.31.

Need for assistance. (5 points) The Secretary evaluates the applicant's need for assistance under this part, by considering --

(a) The costs of fully implementing the magnet schools project as proposed;

(b) The resources available to the applicant to carry out the project if funds under the program were not provided;

(c) The extent to which the costs of the project exceed the applicant's resources; and

(d) The difficulty of effectively carrying out the approved plan and the project for which assistance is sought, including consideration of how the design of the magnet school project -- e.g., the type of program proposed, the location of the magnet school within the LEA -- impacts on the applicant's ability to successfully carry out the approved plan.

New or revised magnet schools projects. (10 points) The Secretary determines the extent to which the applicant proposes to carry out new magnet schools projects or significantly revise existing magnet schools projects.

Selection of students. (15 points) The Secretary determines the extent to which the applicant proposes to select students to attend magnet schools by methods such as lottery, rather than through academic examination.

Innovative approaches and systemic reform. (10 points) The Secretary determines the extent to which the project for which assistance is sought proposes to implement innovative educational approaches that are consistent with the State's and LEA's systemic reform plans, if any, under Title III of Goals 2000: Educate America Act.

Collaborative efforts. (5 points) The Secretary determines the extent to which the project for which assistance is sought proposes to draw on comprehensive community involvement plans.

Additionally, the Secretary gives preference to applications that use a significant portion of the program funds to address substantial problems in an Empowerment Zone, including a Supplemental Empowerment Zone, or an Enterprise Community designated by the United States Department of Housing and Urban Development or the United States Department of Agriculture. Under 34 CFR 299.3 and 34 CFR 75.105(c)(2)(ii), the Secretary selects an application that meets this competitive priority over an application of comparable merit that does not meet this competitive priority.

Note: A list of areas that have been designated as Empowerment Zones and Enterprise Communities is published as an appendix to this notice.

The Secretary also invites applications that meet the following invitational priority. Projects that propose to help the LEA(s) improve one or more low-performing schools by:

- Selecting schools identified for school improvement or corrective action under Title I of the ESEA as magnet schools to be funded under this project;
- Maximizing the opportunity of students in low- performing schools to attend higher performing schools under the project for the reduction, elimination or prevention of minority group isolation;
- Effectively involving and informing parents about improvement goals for the MSAP schools as well as the goals for their own children; and
- Improving the quality of teaching and instruction in the low-performing schools to be funded under the project.

Under 34 CFR 75.105(c)(1) an application that meets the invitational priority does not receive a competitive or absolute preference over other applications.

SUPPLEMENTARY INFORMATION:

Applicants must submit with their applications one of the following types of plans to establish eligibility to receive MSAP assistance: (1) a

desegregation plan required by a court order; (2) a plan required by a State agency or an official of a competent jurisdiction; (3) a plan required by the Office for Civil Rights (OCR), United States Department of Education (ED), under Title VI of the Civil Rights Act of 1964 (Title VI plan); or (4) a voluntary plan adopted by the applicant.

Under the MSAP program regulations, applicants are required to provide all of the information required at §280.20(a)-(g) in order to satisfy the civil rights eligibility requirements found in §280.2(a)(2) and (b) of the regulations. This section of the notice describes those information requirements.

In addition to the particular data and other items for required and voluntary plans, described separately in the information that follows, an application must include:

- Signed civil rights assurances (included in the application package);
- A copy of the applicant's plan; and
- An assurance that the plan is being implemented or will be implemented if the application is funded.

Required Plans

1. Plans Required By A Court Order

An applicant that submits a plan required by a court order must submit complete and signed copies of all court or State documents demonstrating that the magnet schools are a part of the approved plan. Examples of the types of documents that would meet this requirement include--

- A Federal or State court order that establishes or amends a previous order or orders by establishing additional or different specific magnet schools;
- A Federal or State court order that requires or approves the

establishment of one or more unspecified magnet schools or that authorizes the inclusion of magnet schools at the discretion of the applicant.

2. Plans Required By A State Agency Or Official Of Competent Jurisdiction

An applicant submitting a plan ordered by a State agency or official of competent jurisdiction must provide documentation that shows that the plan was ordered based upon a determination that State law was violated. In the absence of this documentation, the applicant should consider its plan to be a voluntary plan and submit the data and information necessary for voluntary plans.

3. Title VI Required Plans

An applicant that submits a plan required by OCR under Title VI must submit a complete copy of the plan demonstrating that magnet schools are part of the approved plan.

4. Modifications to Required Plans

A previously approved desegregation plan that does not include the magnet school or program for which the applicant is now seeking assistance must be modified to include the magnet school component. The modification to the plan must be approved by the court, agency, or official that originally approved the plan. An applicant that wishes to modify a previously approved OCR Title VI plan to include different or additional magnet schools must submit the proposed modification for review and approval to the OCR Regional Office that approved its original plan.

An applicant should indicate in its application if it is seeking to modify its previously approved plan. However, all applicants must submit proof to ED of approval of all modifications to their plans by January 26, 2001.

Voluntary Plans

A voluntary plan must be approved by ED each time an application is submitted for funding. Even if we have approved a voluntary plan in an LEA in

the past, the plan must be resubmitted to us for approval as part of the application.

An applicant submitting a voluntary plan must include in its application:

- A copy of a school board resolution or other evidence of final official action adopting and implementing the plan, or agreeing to adopt and implement the plan upon the award of assistance.

- Enrollment and other information as required by the regulations at §280.20(f) and (g) for applicants with voluntary plans. Enrollment data and information are critical to our determination of an applicant's eligibility under a voluntary plan.

Narrow Tailoring

The purposes of the MSAP include the reduction, elimination or prevention of minority group isolation. In many instances, in order to carry out these purposes, districts take race into account in assigning students to magnet schools. In order to meet the requirements of Title VI of the Civil Rights Act of 1964 and the Fourteenth Amendment to the United States Constitution, applicants submitting voluntary plans that involve the use of race in decision making must ensure that the use of race satisfies strict scrutiny. That is, the use of race must be narrowly tailored to achieve the compelling interest in reducing, eliminating or preventing minority group isolation.

In order for us to make a determination that a voluntary plan involving a racial classification is adequate under Title VI the plan must be narrowly tailored. Among the considerations that affect a determination of whether the use of race in a voluntary plan is narrowly tailored are (1) whether the district tried or seriously considered race-neutral alternatives and determined that such measures have not been or would not be similarly effective, before resorting to race-conscious action; (2) the scope and

flexibility of the use of race, including whether it is subject to a waiver; (3) the manner in which race is used, that is, whether race determines eligibility for a program or whether race is just one factor in the decision making process; (4) the duration of the use of race and whether it is subject to periodic review; and (5) the degree and type of burden imposed on students of other races.

Each of the considerations set out above should be specifically considered in framing a district's strategy. Some examples follow, although it must be recognized that the legal standards in this area are continuing to develop.

Race-neutral means

Before resorting to race-conscious action, school districts must try or seriously consider race-neutral alternatives and determine that they have not been or would not be similarly effective. One example of a race-neutral approach for applicants proposing to conduct a lottery for student admission to a magnet school would be to strengthen efforts to recruit a large pool of eligible students for the lottery that reflects the diverse racial and ethnic composition of the students in the applicant's district. If recruitment efforts are successful, the lottery should result in a racially and ethnically diverse student body.

It may be possible to broaden the appeal of a given magnet school by aggressively publicizing it, making application to it as easy as possible, and broadening the geographic area from which the school is intended to draw.

Use of racial criteria in admissions

It may be permissible to establish a procedure whereby race is taken into account in admissions only if race-neutral steps are considered and a determination is made that they would not prove similarly effective. Racial caps are the most difficult use of race to justify under a narrow tailoring analysis.

The decision to consider race in admission decisions should be made on a school-by-school basis.

Scope and flexibility

Over time, the enrollment at a magnet school may become stable and the school may attract a diverse group of students. At this point, use of race as a factor in admissions may no longer be necessary.

In some instances, exceptions to the use of race in admissions -- where a relatively small number of students are adversely affected and their admission will not substantially affect the racial composition of the program -- should be available.

Duration of the program and reexamination of the use of criteria

The school or school district should formally review the steps it has taken which involve the use of race on a regular basis, such as on an annual basis, to determine whether the use of race is still needed, or should be modified.

Effect on students of other races

Where there are a number of magnet schools, it may also be possible to assign students to a comparable magnet school, if they are unable to gain admission to their first preference.

Enrollment and Other Information

A voluntary plan is a plan to reduce, eliminate, or prevent minority group isolation (MGI), either at a magnet school or at a feeder school -- a school from which students are drawn to attend the magnet school. Under §280.2, the establishment of the magnet school cannot result in an increase in MGI at a magnet school or any feeder school above the districtwide percentage of minority group students at the grade levels served by the magnet school.

The following example and those in subsequent sections of this notice are designed to assist applicants in the preparation of their application. The examples illustrate the types of data and information that have proven

successful in the past for satisfying the voluntary plan regulation requirements.

District A has a districtwide percentage of 65.5 percent for its minority student population in elementary schools. District A has six elementary schools with the following minority student populations:

1. School A -- 67 percent.
2. School B -- 58 percent.
3. School C -- 64 percent.
4. School D -- 76 percent.
5. School E -- 47 percent.
6. School F -- 81 percent.

District A has five minority group isolated schools, i.e., five schools with minority student enrollment of over 50 percent. District A seeks funding to establish a magnet program at School F to reduce MGI at that school. For District A to be eligible for a grant, the establishment of the magnet program at School F should not increase the minority student enrollment at feeder school C to more than 65.5 percent (the districtwide percentage). Also, the establishment of the magnet program should not increase the minority student enrollment at feeder schools A or D at all because those schools are already above the districtwide percentage for minority students. If projected enrollments at a magnet or feeder school indicate that there will be an increase in MGI, District A should provide an explanation in its application for the increase that shows it is not caused by the establishment of the magnet program. See the discussion below.

An applicant that proposes to establish new magnet schools must submit projected data for each magnet and feeder school that show that the magnet schools and all feeders will maintain eligibility for the entire three-year period of the grant. Projected data are included in the examples below.

OBJECTIVE: REDUCTION OF MINORITY GROUP ISOLATION IN EXISTING MAGNET SCHOOLS

In situations where the applicant intends to reduce minority isolation in an existing magnet program, whether in the magnet school or in one or more of the feeder schools, and minority isolation has increased, the applicant must provide data and information to demonstrate that the increase was not due to the applicant's magnet program, in accordance with §280.20(g). See the following examples.

OPTIONS FOR DEMONSTRATING REDUCTION

1. Magnet School Analysis

District Z has two existing magnet elementary schools. All of the other schools in the district are feeder schools to one or both of the magnet schools. District Z has six feeder schools and a districtwide minority enrollment of 60.0 percent at the elementary school level.

District Z Base Year Data for Magnet Schools					
Magnet School (Base Year)	Total Enrollment	Minority Number	Minority Percentage	Non-Minority Number	Non-Minority Percentage
Adams (1999)	449	382	85.1%	67	14.9%
Edison (1999)	387	306	79.1%	81	20.9%

Note: "Base Year" is the year prior to the year each school became a magnet.

District Z Current Year Data for Magnet Schools					
Magnet School	Total Enrollment	Minority Number	Minority Percentage	Non-Minority Number	Non-Minority Percentage
Adams	459	365	79.5%	94	20.5%
Edison	400	326	81.5%	74	18.5%

Since becoming a magnet school last year, Adams has decreased in MGI from 85.1 percent to 79.5 percent and the district projects that through operation as a magnet school MGI will continue to be reduced over the next three years. At Edison, the district projects that MGI will be reduced over the next three years through its operation as a magnet even though MGI increased 2.4 percent, from 79.1 percent to 81.5 percent since the school first became a magnet. Because of the increase, this school would be found ineligible unless the increase in MGI in the current year was not caused by the magnet school. This may be shown through data indicating an increase either in minority enrollment districtwide or in the area served by the magnet school.

If District Z's districtwide elementary school enrollment has become more minority isolated due to districtwide demographic changes in the student population and if a magnet or a feeder school's increase in MGI is less than the districtwide increase in MGI, ED will conclude that the school's increase in MGI was not the result of the magnet programs, but due to the overall effect of demographic changes in the district as a whole at the elementary level.

District Z Base Year Data for Feeder Schools					
Feeder	Total Enrollment	Minority Number	Minority Percentage	Non-Minority	Non-Minority

School				Number	Percentage
Rose	398	301	75.6%	97	24.4%
Rocky Mt	289	199	68.9%	90	31.1%
Wheeler	239	144	60.3%	95	39.7%
King	289	144	49.8%	145	50.2%
Tinker	429	173	40.3%	256	59.7%
Holly	481	122	25.4%	359	74.6%
<i>District-wide</i>	2,961	1,771	59.8%	1,190	40.2%

District Z Current Year Data for Feeder Schools					
Feeder School	Total Enrollment	Minority Number	Minority Percentage	Non-Minority Number	Non-Minority Percentage
Rose	401	278	69.3%	123	30.7%
Rocky Mt	291	211	72.5%	80	27.5%
Wheeler	251	153	61.0%	98	39.0%
King	277	149	53.8%	128	46.2%
Tinker	424	198	46.7%	226	53.3%
Holly	475	130	27.4%	345	72.6%
<i>District-wide</i>	2,978	1,810	60.8%	1,168	39.2%

District Z Projected 2001-2002 Data for Magnet Schools					
Magnet	Total Enrollment	Minority Number	Minority Percentage	Non-Minority	Non-Minority

School				Number	Percentage
Adams	469	349	74.4%	120	25.6%
Edison	410	312	76.1%	98	23.9%

District Z Projected 2002-2003 Data for Magnet Schools					
Magnet School	Total Enrollment	Minority Number	Minority Percentage	Non-Minority Number	Non-Minority Percentage
Adams	483	331	68.5%	152	31.5%
Edison	407	289	71.0%	118	29.0%

District Z Projected 2003-2004 Data for Magnet Schools					
Magnet School	Total Enrollment	Minority Number	Minority Percentage	Non-Minority Number	Non-Minority Percentage
Adams	489	307	62.8%	182	37.2%
Edison	409	266	65.0%	143	35.0%

District Z Projected 2001-2002 Data for Feeder Schools					
Feeder	Total Enrollment	Minority	Minority	Non-Minority	Non-Minority

School		Number	Percentage	Number	Percentage
Rose	400	272	68.0%	128	32.0%
Rocky Mt	306	216	70.6%	90	29.4%
Wheeler	250	148	59.2%	102	40.8%
King	280	151	53.9%	129	46.1%
Tinker	417	232	55.6%	185	44.4%
Holly	447	170	38.0%	277	62.0%
<i>District-wide</i>	2,979	1,850	62.1%	1,129	37.9%

District Z Projected 2002-2003 Data for Feeder Schools					
Feeder School	Total Enrollment	Minority Number	Minority Percentage	Non-Minority Number	Non-Minority Percentage
Rose	396	265	66.9%	131	33.1%
Rocky Mt	293	202	68.9%	91	31.1%
Wheeler	259	153	59.1%	106	40.9%
King	291	169	58.1%	122	41.9%
Tinker	418	242	57.9%	176	42.1%
Holly	451	216	47.9%	235	52.1%
<i>District-wide</i>	2,998	1,867	62.3%	1,131	37.7%

District Z Projected 2003-2004 Data for Feeder Schools					
Feeder School	Total Enrollment	Minority Number	Minority Percentage	Non-Minority Number	Non-Minority Percentage

Rose	400	267	66.8%	133	33.2%
Rocky Mount	299	204	68.2%	95	31.8%
Wheeler	262	154	58.8%	108	41.2%
King	302	181	59.9%	121	40.1%
Tinker	419	244	58.2%	175	41.8%
Holly	441	227	51.5%	214	48.5%
<i>District-wide</i>	3,021	1,850	61.2%	1,171	38.8%

However, as with the Edison magnet, if the MGI in a magnet increases above the districtwide increase between the base year and the current year, an applicant must demonstrate that the magnet is not causing the problem. In order to show that the increase in MGI at a particular school is not the result of the operation of a magnet, a district should provide student transfer data on the number of minority and non-minority students who attend the magnet program from the other feeder schools in the district for the current year. If, by subtracting from the magnet enrollment those students who came from other schools, the MGI is higher than the actual MGI for the current year, it can be concluded that the increase in MGI was not caused by the magnet school.

Current year student transfer data for magnet schools that increase in minority group isolation above the districtwide average					
	Total Enrollment	Minority Number	Minority Percentage	Non-Minority Number	Non-Minority Percentage
Edison (2000)	400	326	81.5%	74	18.5%
Students who transferred from feeder schools to Edison in order to attend magnet	50	31		19	
Edison enrollment with transfer students "returned" to feeder schools	350	295	84.3%	55	15.7%

Current year student transfer data for feeder schools that increase in minority group isolation above the districtwide average					
	Total Enrollment	Minority Number	Minority Percentage	Non-Minority Number	Non-Minority Percentage
Rocky Mount (2000)	291	211	72.5%	80	27.5%
Students who transferred to Edison to attend magnet	10	8		2	
Students who transferred to Adams to attend magnet	6	6		0	
Rocky Mount enrollment if transfer students were "returned"	307	225	73.3%	82	26.7%

2. Feeder School Analysis

In District Z, two feeder schools whose MGI was greater than the districtwide average, Rocky Mount and Wheeler, increased in MGI by 3.7 percent and 0.7 percent respectively between the base year and the current year. Since Wheeler's MGI increase of 0.7 percent is less than the districtwide MGI increase of 1.0 percent for the same time period, Wheeler's MGI increase would be considered to be due to the demographic changes in the district and further scrutiny of Wheeler is not required.

Because Rocky Mount, a feeder school to magnet programs at Adams and

Edison, increased in MGI over the districtwide average from 68.9 percent to 72.5 percent, this would make both Adams and Edison ineligible unless the district demonstrates that the increase was not because of the magnet programs. The clearest way for an applicant to show this is to provide student transfer data on the number of minority and non-minority students who left Rocky Mount to attend magnet programs at Adams and Edison. (See student transfer data above.) By adding the number of students who transferred to the magnet programs to Rocky Mount's total enrollment, ED can determine whether the increase was due to the magnet program. If it can be demonstrated that without the magnet program, the MGI at the feeder school would be even higher, these magnet schools would be found eligible.

Some applicants may find that they are unable to provide the type of student transfer data referred to above. In some cases, these applicants may be able to present demographic or other statistical data and information that would satisfy the requirements of the statute and regulations. This demographic data must persuasively demonstrate that the operation of a proposed magnet school would reduce, eliminate, or prevent minority group isolation in the applicant's magnet schools and would not result in an increase of MGI at one of the applicant's feeder schools above the districtwide percentage for minority students at the same grade levels as those served in the magnet school. (34 CFR §280.20(g)). For example, an applicant might include data provided to it by a local social service agency about the numbers and concentration of families in a recent influx of immigrants into the neighborhood or attendance zone of the feeder school.

3. Additional Base-Year Data

If an applicant believes that comparing a magnet program's current-year enrollment data with its base year enrollment data (i.e., data from the year prior to the year each school became a magnet or a feeder) is misleading due to significant changes that have occurred in attendance zones or other factors

affecting the magnet school or in the closing and combining of other schools with the magnet school, additional and more recent enrollment data for an alternative to the base year may be submitted along with a justification for its submission.

OBJECTIVE: CONVERSION OF AN EXISTING SCHOOL TO A NEW MAGNET PROGRAM

District X will convert Williams, an existing elementary school, to a new elementary magnet program. Currently, Williams has a minority enrollment of 94.67 percent. The district projects that the magnet program will reduce minority group isolation at Williams to 89 percent in the first year of the project. The projection of enrollment should be based upon reasonable assumptions and should clearly state the basis for these assumptions, e.g., parent or student interest surveys, or other objective indicators, such as waiting lists for other magnet schools in the district.

District X Current Year Data for Magnet & Feeder Schools					
School	Total Enrollment	Minority Number	Minority Percentage	Non-Minority Number	Non-Minority Percentage
Hill (Magnet)	450	426	94.7%	24	5.3%
Shaw (Feeder)	398	179	44.9%	219	55.1%
Smith (Feeder)	477	186	39.0%	291	61.0%
District-wide	4,704	2,598	55.2%	2,106	44.8%

District X Projected 2001-2002 Data for Magnet & Feeder Schools					

School	Total Enrollment	Minority Number	Minority Percentage	Non-Minority Number	Non-Minority Percentage
Hill (Magnet)	450	400	89.0%	50	11.0%
Shaw (Feeder)	404	195	48.3%	209	51.7%
Smith (Feeder)	471	191	40.5%	280	59.5%
District-wide	4,712	2,622	55.6%	2,090	44.4%

District X Projected 2002-2003 Data for Magnet & Feeder Schools					
School	Total Enrollment	Minority Number	Minority Percentage	Non-Minority Number	Non-Minority Percentage
Hill (Magnet)	500	415	83.0%	85	17.0%
Shaw (Feeder)	406	203	50.0%	203	50.0%
Smith (Feeder)	482	205	42.5%	277	57.5%
District-wide	4,794	2,683	55.9%	2,111	44.1%

District X Projected 2003-2004 Data for Magnet & Feeder Schools					

School	Total Enrollment	Minority Number	Minority Percentage	Non-Minority Number	Non-Minority Percentage
Hill (Magnet)	600	450	75.0%	150	25.0%
Shaw (Feeder)	410	215	52.4%	195	47.6%
Smith (Feeder)	477	229	48.0%	248	52.0%
District-wide	4,815	2,690	55.9%	2,125	44.1%

OBJECTIVE: CONSTRUCTION OF NEW MAGNET SCHOOL/REOPENING A CLOSED SCHOOL

District Y will construct a new school, Ashe, and open its magnet program at the beginning of the 2002-2003 school year. There is no pre-existing school, and consequently, it appears that no enrollment data are readily available to use as a comparison. However, the district estimates that if the proposed magnet school had opened as a "neighborhood school," without a magnet program designed to attract students from outside the "neighborhood" or attendance zone, it would have a minority enrollment of 67 percent. This estimate was based on national census tract data, supplemented by more current data on the neighborhood provided by the local county government. The district further reasonably anticipates, based on surveys and other indicators, that when the new school opens as a magnet school in 2002, it will have a minority enrollment of 58 percent.

Note that in this example, since the school will not open until the second year of the project (the 2002-2003 school year), data are needed only for the current year and each of the two years of the project during which the magnet at Ashe will be implemented.

District Y Current Year Data for Magnet & Feeder Schools					
	Total	Minority	Minority	Non-	Non-

School	Enrollment	Number	Percentage	Minority Number	Minority Percentage
Ashe (Magnet)	600	400	66.7%	200	33.3%
Mason (Feeder)	298	101	33.9%	197	66.1%
Vine (Feeder)	324	111	34.2%	213	65.8%
District-wide	2,511	1,339	53.3%	1,172	46.7%

District Y Projected 2002-2003 Data for Magnet & Feeder Schools					
School	Total Enrollment	Minority Number	Minority Percentage	Non-Minority Number	Non-Minority Percentage
Ashe (Magnet)	600	348	58.0%	252	42.0%
Mason (Feeder)	290	133	45.8%	157	54.2%
Vine (Feeder)	332	144	43.4%	188	56.6%
District-wide	2,559	1,352	52.8%	1,207	47.2%

District Y Projected 2003-2004 Data for Magnet & Feeder Schools					
School	Total Enrollment	Minority Number	Minority Percentage	Non-Minority Number	Non-Minority Percentage
Ashe (Magnet)	600	300	50.0%	300	50.0%

Mason (Feeder)	300	145	48.3%	155	52.7%
Vine (Feeder)	336	170	50.6%	166	49.4%
District- wide	2,604	1,383	56.2%	1,221	43.8%

OBJECTIVE: REDUCTION, ELIMINATION, OR PREVENTION OF MGI AT TARGETED FEEDER SCHOOLS

Many applicants apply for MSAP funding to reduce, eliminate, or prevent minority group isolation at a magnet school. However, some applicants have established magnet programs at schools that are not minority-isolated for the purpose of reducing, eliminating, or preventing minority isolation at one or more targeted feeder schools. The data requirements and analysis for this type of magnet program are the same as described for "Existing Magnet Schools." In this example, MGI is being reduced in each of the targeted feeder schools.

Base Year Data for Magnet & Feeder Schools					
School	Total Enrollment	Minority Number	Minority Percentage	Non-Minority Number	Non-Minority Percentage
Grant (Magnet)	505	62	12.3%	443	87.7%
North (Feeder)	449	347	77.3%	102	22.7%
Lewis (Feeder)	404	355	87.9%	49	12.1%

Clark (Feeder)	471	459	97.5%	12	2.5%
District- wide	1,829	1,223	66.9%	606	33.1%

Current Year Data for Magnet & Feeder Schools					
School	Total Enrollment	Minority Number	Minority Percentage	Non- Minority Number	Non- Minority Percentage
Grant (Magnet)	520	105	20.2%	415	79.8%
North (Feeder)	453	338	74.6%	115	25.4%
Lewis (Feeder)	398	335	84.1%	63	15.9%
Clark (Feeder)	477	443	92.9%	34	7.1%
District- wide	1,848	1,221	66.1%	627	33.9%

Projected 2001-2002 Data for Magnet & Feeder Schools					
School	Total Enrollment	Minority Number	Minority Percentage	Non- Minority Number	Non- Minority Percentage
Grant (Magnet)	526	139	26.5%	387	73.5%
North (Feeder)	461	331	71.9%	130	28.1%
Lewis (Feeder)	424	347	81.8%	77	18.2%

Clark (Feeder)	499	427	85.5%	72	14.5%
District- wide	1,910	1,244	65.1%	664	34.9%

Projected 2002-2003 Data for Magnet & Feeder Schools					
School	Total Enrollment	Minority Number	Minority Percentage	Non- Minority Number	Non- Minority Percentage
Grant (Magnet)	532	200	37.5%	332	62.5%
North (Feeder)	470	329	70.0%	141	30.0%
Lewis (Feeder)	445	344	77.2%	101	22.8%
Clark (Feeder)	528	425	80.4%	103	19.6%
District- wide	1,975	1,298	65.7%	677	34.3%

Projected 2003-2004 Data for Magnet & Feeder Schools					
School	Total Enrollment	Minority Number	Minority Percentage	Non- Minority Number	Non- Minority Percentage
Grant (Magnet)	548	263	48.0%	285	52.0%
North (Feeder)	475	316	66.5%	159	33.5%
Lewis (Feeder)	460	342	74.4%	118	25.6%

Clark (Feeder)	536	402	75.0%	134	25.0%
District- wide	2,019	1,323	65.5%	696	44.1%

OBJECTIVE: PREVENTION OF MINORITY GROUP ISOLATION

An applicant that applies for MSAP funding for the purposes of preventing minority isolation must demonstrate that without the intervention of the magnet program, the magnet school or targeted feeder school will become minority-isolated within the project period. Generally this may be documented by showing a trend in the enrollment data for the proposed school. For example, if a neighborhood school currently has a 45 percent minority enrollment and, for the last three years, minority enrollment has increased an average of three percent each year (36 percent, 39 percent, and 42 percent), it is reasonable to expect that, in three years, the school would exceed 50 percent thereby becoming minority-isolated during the project period without the intervention of a magnet. The applicant in this example should submit this enrollment data in its application.

The preceding examples are not intended to be an exhaustive set of examples. Applicants with questions about their desegregation plans and the information required in support of those desegregation plans (including applicants that find that these examples do not fit their circumstances and applicants that find that the enrollment data requested are unavailable or do not reflect accurately the effectiveness of their proposed magnet program) are encouraged to contact ED for technical assistance, prior to submitting their application by calling the contact person listed under the "FOR FURTHER INFORMATION CONTACT" heading.

FOR APPLICATIONS CONTACT: Education Publications Center (ED Pubs), P.O. Box 1398, Jessup, MD 20749-1398. Telephone (toll free): 1-877-576-7827. FAX:

(301) 470-1244. If you use a telecommunications device for the deaf (TDD), you may call (toll free): 1-877-576-7734.

You may also contact ED Pubs at its Web site:

<http://www.ed.gov/pubs/edpubs.html>

Or you may contact ED Pubs at its e-mail address:

Edpubs@inet.ed.gov

If you request an application from ED Pubs, be sure to identify this competition as follows: CFDA number 84.165A.

FOR FURTHER INFORMATION CONTACT: Steven L. Brockhouse, U.S. Department of Education, 400 Maryland Avenue, S.W., Room 3E112, Washington, D.C. 20202-6140. Telephone (202) 260-2476, or via Internet:

OESE_MSAP@ed.gov

Individuals with disabilities may obtain this document in an alternate format (e.g., Braille, large print, audiotape, or computer diskette) on request to the program contact person listed in this section.

Individuals with disabilities may obtain a copy of the application package in an alternate format by contacting *ED Pubs*. However, the Department is not able to reproduce in an alternate format the standard forms included in the application package.

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Washington, DC area at (202) 512-1530.

Note: The official version of a document is the document published in the Federal Register. Free Internet access to the official edition of the Federal Register and the Code of Federal Regulations is available on GPO Access at:

<http://www.access.gpo.gov/nara/index.html>

PROGRAM AUTHORITY: 20 U.S.C. 3021-3032

Dated:

Michael Cohen,
Assistant Secretary
Elementary and Secondary Education.

Appendix--Empowerment Zones and Enterprise Communities

EMPOWERMENT ZONES AND ENTERPRISE COMMUNITIES

Empowerment Zones

California: Los Angeles
California: Oakland
Georgia: Atlanta
Illinois: Chicago
Kentucky: Kentucky Highlands*
Maryland: Baltimore
Massachusetts: Boston
Michigan: Detroit
Mississippi: Mid Delta*
Missouri/Kansas: Kansas City, Kansas City
New York: Harlem, Bronx
Ohio: Cleveland
Pennsylvania/New Jersey: Philadelphia, Camden
Texas: Houston
Texas: Rio Grande Valley*

Enterprise Communities

Alabama: Birmingham
Alabama: Chambers County*
Alabama: Greene, Sumter Counties*
Arizona: Phoenix
Arizona: Arizona Border*
Arkansas: East Central*
Arkansas: Mississippi County*
Arkansas: Pulaski County
Michigan: Five Cap*
Michigan: Flint
Michigan: Muskegon
Minnesota: Minneapolis
Minnesota: St. Paul
Mississippi: Jackson
Mississippi: North Delta*
Missouri: East Prairie*
Missouri: St. Louis
Nebraska: Omaha
Nevada: Clarke County, Las Vegas
New Hampshire: Manchester
New Jersey: Newark
New Mexico: Albuquerque
New Mexico: Mora, Rio Arriba, Taos Counties*
New York: Albany, Schenectady, Troy
New York: Buffalo
New York: Newburgh, Kingston
New York: Rochester
North Carolina: Charlotte
North Carolina: Halifax, Edgecombe, Wilson Counties*
North Carolina: Robeson County*
Ohio: Akron
Ohio: Columbus
Ohio: Greater Portsmouth *

California: Imperial County*
California: L.A., Huntington Park
California: San Diego
California: San Francisco, Bayview, Hunter's Point
California: Watsonville*
Colorado: Denver
Connecticut: Bridgeport
Connecticut: New Haven
Delaware: Wilmington
District of Columbia: Washington
Florida: Jackson County*
Florida: Tampa
Florida: Miami, Dade County
Georgia: Albany
Georgia: Central Savannah*
Georgia: Crisp, Dooley Counties*
Illinois: East St. Louis
Illinois: Springfield
Indiana: Indianapolis
Iowa: Des Moines
Kentucky: Louisville
Louisiana: Northeast Delta*
Louisiana: Macon Ridge*
Louisiana: New Orleans
Louisiana: Ouachita Parish
Massachusetts: Lowell
Massachusetts: Springfield
Oklahoma: Choctaw, McCurtain Counties*
Oklahoma: Oklahoma City
Oregon: Josephine*
Oregon: Portland
Pennsylvania: Harrisburg
Pennsylvania: Lock Haven*
Pennsylvania: Pittsburgh
Rhode Island: Providence
South Dakota: Deadle, Spink Counties*
South Carolina: Charleston
South Carolina: Williamsburg County*
Tennessee: Fayette, Haywood Counties*
Tennessee: Memphis
Tennessee: Nashville
Tennessee/Kentucky: Scott, McCreary Counties*
Texas: Dallas
Texas: El Paso
Texas: San Antonio
Texas: Waco
Utah: Ogden
Vermont: Burlington
Virginia: Accomack*
Virginia: Norfolk
Washington: Lower Yakima*

Washington: Seattle
Washington: Tacoma
West Virginia: West Central*
West Virginia: Huntington
West Virginia: McDowell*
Wisconsin: Milwaukee

*denotes rural designee

MAGNET SCHOOLS ASSISTANCE PROGRAM REGULATIONS

PART 280—MAGNET SCHOOLS ASSISTANCE PROGRAM

Subpart A—General

Sec.

280.1 What is the Magnet Schools Assistance Program?

280.2 Who is eligible to apply for a grant?

280.3 What regulations apply to this program?

280.4 What definitions apply to this program?

Subpart B—What Types of Projects Does the Secretary Assist Under This Program?

280.10 What types of projects does the Secretary assist?

Subpart C—How Does One Apply for a Grant?

280.20 How does one apply for a grant?

Subpart D—How Does the Secretary Make a Grant?

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AUTHORITY: 20 U.S.C. 7201–7213, unless otherwise noted.

Subpart A—General

§ 280.1 What is the Magnet Schools Assistance Program?

The Magnet Schools Assistance Program provides grants to eligible local educational agencies (LEAs) or consortia of LEAs for use in magnet schools that are part of an approved desegregation plan and that are designed to bring students from different social, economic, ethnic and racial backgrounds together. The purposes of the program are to support, through financial assistance to eligible LEAs or consortia of LEAs,:

- (a) The elimination, reduction, or prevention of minority group isolation in elementary and secondary schools with substantial portions of minority students;
- (b) The development and implementation

of magnet school projects that will assist LEAs in achieving systemic reforms and providing all students the opportunity to meet challenging State content standards and challenging State performance standards;

- (c) The development and design of innovative educational methods and practices; and
- (d) Courses of instruction within magnet schools that will substantially strengthen the knowledge of academic subjects and the grasp of tangible and marketable vocational skills of students attending such schools.

(Authority: 20 U.S.C. 7202)
[51 FR 20414, June 4, 1986, as amended at 60 FR 14865, Mar. 20, 1995]

§ 280.2 Who is eligible to apply for a grant?

(a) An LEA or consortia of LEAs is eligible to receive assistance under this part if the LEA or consortia of LEAs meets any of the following requirements:

- (1) The LEA or consortia of LEAs is implementing a plan undertaken pursuant to a final order of a court of the United States, or a court of any State, or any other State agency or official of competent jurisdiction, and the order requires the desegregation of minority group segregated children or faculty in the elementary and secondary schools of that agency or those agencies.
- (2) The LEA or consortia of LEAs adopted and is implementing on either a voluntary basis or as required under title VI of the Civil Rights Act of 1964—or will adopt and implement if assistance is made available under this part—a plan that has been approved by the Secretary as adequate under title VI.

(b) The Secretary approves a voluntary plan under paragraph (a)(2) of this section only if he determines that for each magnet school for which funding is sought—

- (1) The magnet school will reduce, eliminate, or prevent minority group isolation within the period of the grant award, either in the magnet school or in a feeder school, as appropriate; and
- (2) The establishment of the magnet school will not result in an increase of minority enrollment, at the magnet school or at any feeder school, above

the districtwide percentage of minority group students in the LEA's schools at the grade levels served by that magnet school.

(Authority: 20 U.S.C. 7205)

[50 FR 21191, May 22, 1985, as amended at 54 FR 19508, May 5, 1989; 57 FR 61508, Dec. 24, 1992; 60 FR 14865, Mar. 20, 1995]

§ 280.3 What regulations apply to this program?

The following regulations apply to the Magnet Schools Assistance Program:

(a) The Education Department General Administrative Regulations (EDGAR), 34 CFR parts 75 (Direct grant programs), except that § 75.253(c) (relating to reducing a subsequent year's award by the amount remaining available from the grantee's current award) does not apply to this program, 77 (Definitions apply to Department regulations), 79 (Intergovernmental Review of Department of Education programs and activities), 80 (Uniform Administrative Requirements for State and Local Governments), and 85 (Governmentwide Debarment and Suspension (Nonprocurement) and Government-wide Requirements for Drug-Free Workplace (Grants)).

(b) The regulations in this part.

(Authority: 20 U.S.C. 7201–7213)

[50 FR 21191, May 22, 1985, as amended at 54 FR 19508, May 5, 1989]

§ 280.4 What definitions apply to this program?

(a) *Definitions in EDGAR.* The following terms used in this part are defined in 34 CFR part 77:

Applicant
Application
Award
Budget
EDGAR
Elementary school
Equipment
Facilities
Fiscal year
Grant
Local educational agency
Project
Secondary school
Secretary
State
Supplies

(b) *Definitions that apply to this program.*

The following definitions also apply to this part:

Act means title VII of the Education for Economic Security Act, Pub. L. 98–

377.

Desegregation, in reference to a plan, means a plan for the reassignment of children or faculty to remedy the illegal separation of minority group children or faculty in the schools of an LEA or a plan for the reduction, elimination, or prevention of minority group isolation in one or more of the schools of an LEA.

Feeder school means a school from which students are drawn to attend a magnet school.

Magnet school means a public elementary or secondary school or public elementary or secondary education center that offers a special curriculum capable of attracting substantial numbers of students of different racial backgrounds.

Minority group means the following:

(1) *American Indian or Alaskan Native.*

A person having origins in any of the original peoples of North America, and who maintains cultural identification through tribal affiliation or community recognition.

(2) *Asian or Pacific Islander.* A person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands. This area includes, for example, China, India, Japan, Korea, the Philippine Islands, and Samoa.

(3) *Black (Not of Hispanic Origin).* A person having origins in any of the black racial groups of Africa.

(4) *Hispanic.* A person of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race.

Minority group isolation, in reference to a school, means a condition in which minority group children constitute more than 50 percent of the enrollment of the school.

Special curriculum means a course of study embracing subject matter or a teaching methodology that is not generally offered to students of the same age or grade level in the same LEA or consortium of LEAs, as the students to whom the special curriculum is offered in the magnet schools. This term does not include:

- (1) A course of study or a part of a course of study designed solely to provide basic educational services to handicapped students or to students of limited English-speaking ability;
- (2) A course of study or a part of a

course of study in which any student is unable to participate because of his or her limited English-speaking ability;

(3) A course of study or a part of a course of study in which any student is unable to participate because of his or her limited financial resources; or

(4) A course of study or a part of a course of study that fails to provide for a participating student's meeting the requirements for completion of elementary or secondary education in the same period as other students enrolled in the applicant's schools.

(Authority: 20 U.S.C. 7201–7213)
[50 FR 21191, May 22, 1985, as amended at 51 FR 20414, June 4, 1986; 54 FR 19508 and 19509, May 5, 1989; 57 FR 61509, Dec. 24, 1992; 60 FR 14865, Mar. 20, 1995]

Subpart B—What Types of Projects Does the Secretary Assist Under This Program?

§ 280.10 What types of projects does the Secretary assist?

(a) The Secretary funds applications proposing projects in magnet schools that are part of an approved desegregation plan and that are designed to bring students from different social, economic, ethnic, and racial backgrounds together.

(b) For the purposes of this part, an approved desegregation plan is a desegregation plan described in § 280.2 (a) or (b).

(c) In the case of a desegregation plan described in § 280.2(a)(1), any modification to that plan must be approved by the court, agency, or official that approved the plan.

(Authority: 20 U.S.C. 7203)
[50 FR 21191, May 22, 1985, as amended at 51 FR 20414, June 4, 1986; 54 FR 19508 and 19509, May 5, 1989]

Subpart C—How Does One Apply for a Grant?

§ 280.20 How does one apply for a grant?

(a) Each eligible LEA or consortium of LEAs that desires to receive assistance under this part shall submit an annual application to the Secretary.

(b) In its application, the LEA or consortium of LEAs shall provide assurances

that it—

- (1) Will use funds made available under this part for the purposes specified in section 5102 of the Act;
 - (2) Will employ teachers in the courses of instruction assisted under this part who are certified or licensed by the State to teach, or supervise others who are teaching, the subject matter of the courses of instruction;
 - (3) Will not engage in discrimination based upon race, religion, color, national origin, sex, or disability in the hiring, promotion, or assignment of employees of the agency or other personnel for whom the agency has any administrative responsibility;
 - (4) Will not engage in discrimination based upon race, religion, color, national origin, sex, or disability in the assignment of students to schools or to courses of instruction within schools of the agency, except to carry out the approved desegregation plan;
 - (5) Will not engage in discrimination based upon race, religion, color, national origin, sex, or disability in designing or operating extracurricular activities for students;
 - (6) Will carry out a high-quality education program that will encourage greater parental decisionmaking and involvement; and
 - (7) Will give students residing in the local attendance area of the proposed magnet school projects equitable consideration for placement in those projects.
- (c) In addition to the assurances listed in paragraph (b) of this section, the LEA or consortium of LEAs shall provide such other assurances as the Secretary determines necessary to carry out the provisions of this part.
- (d) Upon request, the LEA or consortium of LEAs shall submit any information that is necessary for the Assistant Secretary for Civil Rights to determine whether the assurances required in paragraphs (b) (3), (4), and (5) of this section will be met.
- (e) An LEA or consortium of LEAs that has an approved desegregation plan shall submit each of the following with its application:
- (1) A copy of the plan.
 - (2) An assurance that the plan is being implemented as approved.
- (f) An LEA or consortium of LEAs that does not have an approved desegregation

plan shall submit each of the following with its application:

(1) A copy of the plan the LEA or consortium of LEAs is submitting for approval.

(2) A copy of a school board resolution or other evidence of final official action adopting and implementing the plan, or agreeing to adopt and implement it upon the award of assistance under this part.

(3) Evidence that the plan is a desegregation plan as defined in § 280.4(b).

(4) For an LEA or consortium of LEAs that seeks assistance for existing magnet schools—

(i) Enrollment numbers and percentages, for minority and non-minority group students, for each magnet school for which funding is sought and each feeder school—

(A) For the school year prior to the creation of each magnet school;

(B) For the school year in which the application is submitted; and

(C) For each of the school years of the proposed grant cycle (i.e., projected enrollment figures); and

(ii) Districtwide enrollment numbers and percentages for minority group students in the LEA's or consortium of LEAs' schools, for grade levels involved in the applicant's magnet schools (e.g., K-6, 7-9, 10-12)—

(A) For the school year prior to the creation of each magnet school;

(B) For the school year in which the application is submitted; and

(C) For each of the school years of the proposed grant cycle (i.e., projected enrollment figures).

(5) For an LEA or consortium of LEAs that seeks assistance for new magnet schools—

(i) Enrollment numbers and percentages, for minority and non-minority group students, for each magnet school for which funding is sought and for each feeder school—

(A) For the school year in which the application is submitted; and

(B) For each of the school years of the proposed grant cycle (i.e., projected enrollment figures); and

(ii) Districtwide numbers and percentages of minority group students in the LEA's or consortium of LEAs' schools, for the grade levels involved in the applicant's magnet schools (e.g., K-6, 7-9, 10-12)—

(A) For the school year in which the application is submitted; and

(B) For each of the school years of the proposed grant cycle (i.e., projected enrollment figures).

(g) An applicant that does not have an approved desegregation plan, and demonstrates that it cannot provide some portion of the information requested under paragraphs (f)(4) and (5) of this section, may provide other information (in lieu of that portion of

the information not provided in response to paragraphs (f)(4) and (5) of

this section) to demonstrate that the creation or operation of its proposed magnet school would reduce, eliminate, or prevent minority group isolation in the applicant's schools and would not result in an increase of minority student isolation at one of the applicant's schools above the district-wide percentage for minority students at the same grade levels as those served in the magnet school.

(h) After reviewing the information provided in response to paragraph (f)(4) or (5) of this section, or as provided under paragraph (g) of this section, the Secretary may request other information, if necessary (e.g., demographic data concerning the attendance areas in which the magnet schools are or will be located), to determine whether to approve an LEA's or consortium of LEAs' plan.

(i) In addition to including the assurances required by this section, an LEA or consortium of LEAs shall describe in its application—

(1) How the applicant will use assistance made available under this part to promote desegregation, including how the proposed magnet school project will increase interaction among students of different social, economic, ethnic, and racial backgrounds;

(2) How and to what extent the assistance will increase student achievement in instructional areas offered;

(3) How the LEA or consortium of LEAs will continue the magnet schools project after assistance under this program is no longer available, including, if applicable, why magnet schools cannot be continued without the use of funds under this program.

(4) How assistance will be used to implement services and activities that are consistent with other programs

under the Elementary and Secondary Education Act of 1965, the Goals 2000: Educate America Act, and other Acts, as appropriate, in accordance with section 14306 of the Act; and

(5) What criteria will be used in selecting students to attend the proposed magnet schools projects.

(Approved by the Office of Management and Budget under control number 1810-0516)
(Authority: 20 U.S.C. 7206)

[50 FR 21191, May 22, 1985, as amended at 54 FR 19508, May 5, 1989; 57 FR 61509, Dec. 24, 1992; 60 FR 14865, Mar. 20, 1995]

Subpart D—How Does the Secretary Make a Grant?

§ 280.30 How does the Secretary evaluate an application?

(a) The Secretary evaluates an application submitted under this part on

the basis of the criteria in § 280.31 and the priority factors in § 280.32.

(b) The Secretary awards up to 100 points for the extent to which an application meets the criteria described in § 280.31. The maximum possible points for each complete criterion are indicated in parentheses after the heading for that criterion.

(c) The Secretary then awards up to 45 additional points based upon the priority factors in § 280.32.

(Authority: 20 U.S.C. 3021–3032)

[50 FR 21191, May 22, 1985, as amended at 60 FR 14866, Mar. 20, 1995]

§ 280.31 What selection criteria does the Secretary use?

The Secretary uses the following selection criteria in evaluating each application:

(a) *Plan of operation.* (25 points) (1)

The Secretary reviews each application to determine the quality of the plan of operation for the project.

(2) The Secretary determines the extent to which the applicant demonstrates—

(i) The effectiveness of its management plan to ensure proper and efficient administration of the project;

(ii) The effectiveness of its plan to attain specific outcomes that—

(A) Will accomplish the purposes of the program;

(B) Are attainable within the project period;

(C) Are measurable and quantifiable; and

(D) For multi-year projects, can be used to determine the project's

progress in meeting its intended outcomes;

(iii) The effectiveness of its plan for utilizing its resources and personnel to achieve the objectives of the project, including how well it utilizes key personnel to complete tasks and achieve the objectives of the project;

(iv) How it will ensure equal access and treatment for eligible project participants who have been traditionally underrepresented in courses or activities offered as part of the magnet school, e.g., women and girls in mathematics, science or technology courses, and disabled students; and

(v) The effectiveness of its plan to recruit students from different social, economic, ethnic, and racial backgrounds into the magnet schools.

(b) *Quality of personnel.* (10 points) (1)

The Secretary reviews each application to determine the qualifications of the personnel the applicant plans to use on the project.

(2) The Secretary determines the extent to which—

(i) The project director (if one is used) is qualified to manage the project;

(ii) Other key personnel are qualified to manage the project;

(iii) Teachers who will provide instruction in participating magnet schools are qualified to implement the special curriculum of the magnet schools; and

(iv) The applicant, as part of its non-discriminatory employment practices will ensure that its personnel are selected for employment without regard to race, religion, color, national origin, sex, age, or disability.

(3) To determine personnel qualifications the Secretary considers experience and training in fields related to the objectives of the project, including the key personnel's knowledge of and experience in curriculum development and desegregation strategies.

(c) *Quality of project design.* (35 points)

(1) The Secretary reviews each application to determine the quality of the project design.

(2) The Secretary determines the extent to which each magnet school for which funding is sought will—

(i) Foster interaction among students of different social, economic, ethnic, and racial backgrounds in classroom activities, extracurricular activities, or other activities in the magnet

schools (or, if appropriate, in the schools in which the magnet school programs operate);

(iii) Address the educational needs of the students who will be enrolled in the magnet schools;

(iii) Carry out a high quality educational program that will substantially strengthen students' reading skills or knowledge of mathematics, science, history, geography, English, foreign languages, art, music, or vocational skills;

(iv) Encourage greater parental decisionmaking and involvement; and

(v) Improve the racial balance of students in the applicant's schools by reducing, eliminating, or preventing minority group isolation in its schools.

(d) *Budget and resources.* (5 points)

The Secretary reviews each application to determine the adequacy of the resources and the cost-effectiveness of the budget for the project, including—

(1) The adequacy of the facilities that the applicant plans to use;

(2) The adequacy of the equipment and supplies that the applicant plans to use; and

(3) The adequacy and reasonableness of the budget for the project in relation to the objectives of the project.

(e) *Evaluation plan.* (15 points) The Secretary determines the extent to which the evaluation plan for the project—

(1) Includes methods that are appropriate for the project;

(2) Will determine how successful the project is in meeting its intended outcomes, including its goals for desegregating its students and increasing student achievement; and

(3) Includes methods that are objective and that will produce data that are quantifiable.

(f) *Commitment and capacity.* (10

points) (1) The Secretary reviews each application to determine whether the applicant is likely to continue the magnet school activities after assistance under this part is no longer available.

(2) The Secretary determines the extent to which the applicant—

(i) Is committed to the magnet schools project; and

(ii) Has identified other resources to continue support for the magnet school activities when assistance under this program is no longer available.

(Approved by the Office of Management and Budget under control number 1810-0516)

(Authority: 20 U.S.C. 7201-7213)

[57 FR 61509, Dec. 24, 1992, as amended at 60 FR 14866, Mar. 20, 1995]

§ 280.32 How is priority given to applicants?

(a) *How priority is given.* In addition to the points awarded under § 280.31, the Secretary gives priority to the factors listed in paragraphs (b) through (f) of this section by awarding additional points for these factors. The Secretary indicates in the application notice published in the FEDERAL REGISTER how these additional points will be distributed.

(b) *Need for assistance.* The Secretary evaluates the applicant's need for assistance under this part, by considering—

(1) The costs of fully implementing the magnet schools project as proposed;

(2) The resources available to the applicant to carry out the project if funds under the program were not provided;

(3) The extent to which the costs of the project exceed the applicant's resources; and

(4) The difficulty of effectively carrying out the approved plan and the project for which assistance is sought, including consideration of how the design of the magnet school project—e.g., the type of program proposed, the location of the magnet school within the LEA—impacts on the applicant's ability to successfully carry out the approved plan.

(c) *New or revised magnet schools projects.* The Secretary determines the extent to which the applicant proposes to carry out new magnet schools projects or significantly revise existing magnet schools projects.

(d) *Selection of students.* The Secretary determines the extent to which the applicant proposes to select students to attend magnet schools by methods such as lottery, rather than through academic examination.

(e) *Innovative approaches and systemic reform.* The Secretary determines the extent to which the project for which assistance is sought proposes to implement innovative educational approaches that are consistent with the State's and LEA's systemic reform plan, if any, under the Goals 2000: Educate America Act.

(f) *Collaborative efforts.* The Secretary determines the extent to which the project for which assistance is sought

proposes to draw on comprehensive community involvement plans.

(Authority: 20 U.S.C. 7207)

[57 FR 61510, Dec. 24, 1992, as amended at 60 FR 14866, Mar. 20, 1995; 63 FR 8020, Feb. 17, 1998]

§ 280.33 How does the Secretary select applications for new grants with funds appropriated in excess of \$75 million?

(a) In selecting among applicants for funds appropriated for this program in excess of \$75 million, the Secretary first identifies those remaining applicants that did not receive funds under this program in the last fiscal year of the previous funding cycle.

(b) The Secretary then awards ten additional points to each applicant identified under paragraph (a) of this section.

(Authority: 20 U.S.C. 7213(b))

[54 FR 19509, May 5, 1989]

Subpart E—What Conditions Must Be Met by a Grantee?

§ 280.40 What costs are allowable?

An LEA or consortium of LEAs may use funds received under this part for the following activities:

(a) Planning and promotional activities directly related to the development, expansion, continuation, or enhancement of academic programs and services offered at magnet schools, though planning activities are subject to the restrictions in § 280.41(a) and (d).

(b) The acquisition of books, materials, and equipment (including computers) and the maintenance and operation thereof. Any books, materials or equipment purchased with grant funds must be:

(1) Necessary for the conduct of programs in magnet schools; and

(2) Directly related to improving the reading skills or knowledge of mathematics, science, history, geography, English, foreign languages, art, or music, or to improving vocational skills.

(c) The payment or subsidization of the compensation of elementary and secondary school teachers:

(1) Who are certified or licensed by the State;

(2) Who are necessary to conduct programs in magnet schools; and

(3) Whose employment is directly related to improving the reading skills or knowledge of mathematics, science, history, geography, English, foreign languages, art, or music, or to improving vocational skills.

(d) The payment or subsidization of the compensation of instructional staff, where applicable, who satisfy the requirements of paragraphs (c)(2) and (3) of this section.

(e) With respect to a magnet school program offered to less than the entire school population, for instructional activities that—

(1) Are designed to make available the special curriculum of the magnet school program to students enrolled in the school, but not in the magnet school program; and

(2) Further the purposes of the program.

(Authority: 20 U.S.C. 7208)

[51 FR 20414, June 4, 1986, as amended at 54 FR 19509, May 5, 1989; 60 FR 14866, Mar. 20, 1995]

§ 280.41 What are the limitations on allowable costs?

An LEA or consortium of LEAs that receives assistance under this part may not—

(a) Expend for planning more than 50 percent of the funds received for the first fiscal year, 15 percent of the funds received for the second fiscal year, and 10 percent of the funds received for the third fiscal year;

(b) Use funds for transportation;

(c) Use funds for any activity that does not augment academic improvement; or

(d) Use funds for planning after the third year.

(Authority: 20 U.S.C. 7209, 7210(b))

[60 FR 14866, Mar. 20, 1995]

MAGNET SCHOOLS ASSISTANCE PROGRAM STATUTE

TITLE V--PROMOTING EQUITY PART A--MAGNET SCHOOLS ASSISTANCE

SEC. 5101. FINDINGS.

The Congress finds that--

(1) magnet schools are a significant part of our Nation's effort to achieve voluntary desegregation in our Nation's schools;

(2) the use of magnet schools has increased dramatically since the date of enactment of the Magnet Schools Assistance program, with approximately 1,400,000 students nationwide now attending such schools, of which more than 60 percent of the students are nonwhite;

(3) magnet schools offer a wide range of distinctive programs that have served as models for school improvement efforts;

(4) in administering the Magnet Schools Assistance program, the Federal Government has learned that--

(A) where magnet programs are implemented for only a portion of a school's student body, special efforts must be made to discourage the isolation of--

- (i) magnet school students from other students in the school; and
- (ii) students by racial characteristics;

(B) local educational agencies can maximize their effectiveness in achieving the purposes of the Magnet Schools Assistance program if such agencies have more flexibility in the administration of such program in order to serve students attending a school who are not enrolled in the magnet school program;

(C) local educational agencies must be creative in designing magnet schools for students at all academic levels, so that school districts do not skim off only the highest achieving students to attend the magnet schools;

(D) consistent with desegregation guidelines, local educational agencies must seek to enable participation in magnet school programs by students who reside in the neighborhoods where the programs operate; and

(E) in order to ensure that magnet schools are sustained after Federal funding ends, the Federal Government must assist school districts to improve their capacity to continue to operate magnet schools at a high level of performance; and

(5) it is in the best interest of the Federal Government to--

(A) continue the Federal Government's support of school districts implementing court-ordered desegregation plans and school districts seeking to foster meaningful interaction among students of different racial and ethnic backgrounds, beginning at the earliest stage of such students' education;

(B) ensure that all students have equitable access to quality education that will prepare such students to function well in a culturally diverse, technologically

oriented, and highly competitive, global community; and

(C) maximize the ability of local educational agencies to plan, develop, implement and continue effective and innovative magnet schools that contribute to State and local systemic reform.

SEC. 5102. STATEMENT OF PURPOSE.

The purpose of this part is to assist in the desegregation of schools served by local educational agencies by providing financial assistance to eligible local educational agencies for--

(1) the elimination, reduction, or prevention of minority group isolation in elementary and secondary schools with substantial proportions of minority students;

(2) the development and implementation of magnet school projects that will assist local educational agencies in achieving systemic reforms and providing all students the opportunity to meet challenging State content standards and challenging State student performance standards;

(3) the development and design of innovative educational methods and practices; and

(4) courses of instruction within magnet schools that will substantially strengthen the knowledge of academic subjects and the grasp of tangible and marketable vocational skills of students attending such schools.

SEC. 5103. PROGRAM AUTHORIZED.

The Secretary, in accordance with this part, is authorized to make grants to eligible local educational agencies, and consortia of such agencies where appropriate, to carry out the purpose of this part for magnet schools that are--

(1) part of an approved desegregation plan; and

(2) designed to bring students from different social, economic, ethnic, and racial backgrounds together.

SEC. 5104. DEFINITION.

For the purpose of this part, the term 'magnet school' means a public elementary or secondary school or public elementary or secondary education center that offers a special curriculum capable of attracting substantial numbers of students of different racial backgrounds.

SEC. 5105. ELIGIBILITY.

A local educational agency, or consortium of such agencies where appropriate, is eligible to receive assistance under this part to carry out the purposes of this part if such agency or consortium--

(1) is implementing a plan undertaken pursuant to a final order issued by a court of the United States, or a court of any State, or any other State agency or official of competent jurisdiction, that requires the desegregation of minority-group-segregated children or faculty in the elementary and secondary schools of such agency; or

(2) without having been required to do so, has adopted and is implementing, or will, if assistance is made available to such local educational agency or consortium of such agencies under this part, adopt and implement a plan that has been approved by the Secretary as adequate under title VI of the Civil Rights Act of 1964 for the desegregation of minority-group-segregated children or faculty in such schools.

SEC. 5106. APPLICATIONS AND REQUIREMENTS.

(a) Applications.--An eligible local educational agency or consortium of such agencies desiring to receive assistance under this part shall submit an application to the Secretary at such time, in such manner, and containing such information and assurances as the Secretary may reasonably require.

(b) Information and Assurances.--Each such application shall include--

(1) a description of--

(A) how assistance made available under this part will be used to promote desegregation, including how the proposed magnet school project will increase interaction among students of different social, economic, ethnic, and racial backgrounds;

(B) the manner and extent to which the magnet school project will increase student achievement in the instructional area or areas offered by the school;

(C) how an applicant will continue the magnet school project after assistance under this part is no longer available, including, if applicable, an explanation of why magnet schools established or supported by the applicant with funds under this part cannot be continued without the use of funds under this part;

(D) how funds under this part will be used to implement services and activities that are consistent with other programs under this Act, the Goals 2000: Educate America Act, and other Acts, as appropriate, in accordance with the provisions of section 14306; and

(E) the criteria to be used in selecting students to attend the proposed magnet school projects; and

(2) assurances that the applicant will--

(A) use funds under this part for the purposes specified in section 5102;

(B) employ State certified or licensed teachers in the courses of instruction assisted under this part to teach or supervise others who are teaching the subject matter of the courses of instruction;

(C) not engage in discrimination based on race, religion, color, national origin, sex, or disability in--

(i) the hiring, promotion, or assignment of employees of the agency or other personnel for whom the agency has any administrative responsibility;

(ii) the assignment of students to schools, or to courses of instruction within the school, of such agency, except to carry out the approved plan; and

(iii) designing or operating extracurricular activities for students;

(D) carry out a high-quality education program that will encourage greater parental decisionmaking and involvement; and

(E) give students residing in the local attendance area of the proposed magnet school projects equitable consideration for placement in those projects.

(c) Special Rule.--No application may be approved under this section unless the Assistant Secretary of Education for Civil Rights determines that the assurances described in subsection (b)(2)(C) will be met.

SEC. 5107. PRIORITY.

In approving applications under this part, the Secretary shall give priority to applicants that--

(1) demonstrate the greatest need for assistance, based on the expense or difficulty of effectively carrying out an approved desegregation plan and the projects for which assistance is sought;

(2) propose to carry out new magnet school projects, or significantly revise existing magnet school projects;

(3) propose to select students to attend magnet school projects by methods such as lottery, rather than through academic examination;

(4) propose to implement innovative educational approaches that are consistent with the State's and local educational agency's approved systemic reform plans, if any, under title III of the Goals 2000: Educate America Act; and

(5) propose to draw on comprehensive community involvement plans.

SEC. 5108. USE OF FUNDS.

(a) In General.--Grant funds made available under this part may be used by an eligible local educational agency or consortium of such agencies--

(1) for planning and promotional activities directly related to the development, expansion, continuation, or enhancement of academic programs and services offered at magnet schools;

(2) for the acquisition of books, materials, and equipment, including computers and the maintenance and operation thereof, necessary for the conduct of

programs in magnet schools;

(3) for the payment, or subsidization of the compensation, of elementary and secondary school teachers who are certified or licensed by the State, and instructional staff where applicable, who are necessary for the conduct of programs in magnet schools; and

(4) with respect to a magnet school program offered to less than the entire student population of a school, for instructional activities that--

(A) are designed to make available the special curriculum that is offered by the magnet school project to students who are enrolled in the school but who are not enrolled in the magnet school program; and

(B) further the purposes of this part.

(b) Special Rule.--Grant funds under this part may be used in accordance with paragraphs (2) and (3) of subsection (a) only if the activities described in such paragraphs are directly related to improving the students' reading skills or knowledge of mathematics, science, history, geography, English, foreign languages, art, or music, or to improving vocational skills.

SEC. 5109. PROHIBITIONS.

(a) Transportation.--Grants under this part may not be used for transportation or any activity that does not augment academic improvement.

(b) Planning.--A local educational agency shall not expend funds under this part after the third year that such agency receives funds under this part for such project.

SEC. 5110. LIMITATIONS.

(a) Duration of Awards.--A grant under this part shall be awarded for a period that shall not exceed three fiscal years.

(b) Limitation on Planning Funds.--A local educational agency may expend for planning not more than 50 percent of the funds received under this part for the first year of the project, 15 percent of such funds for the second such year, and 10 percent of such funds for the third such year.

(c) Amount.--No local educational agency or consortium awarded a grant under this part shall receive more than \$4,000,000 under this part in any one fiscal year.

(d) Timing.--To the extent practicable, the Secretary shall award grants for any fiscal year under this part not later than June 1 of the applicable fiscal year.

SEC. 5111. INNOVATIVE PROGRAMS.

(a) In General.--From amounts reserved under subsection (d) for each fiscal year, the Secretary shall award grants to local educational agencies or consortia of such agencies described in section 5105 to enable such agencies or consortia to conduct innovative programs that--

(1) carry out the purpose of this part; and

(2) involve strategies other than magnet schools, such as neighborhood or

community model schools--

(A) organized around a special emphasis, theme or concept; and

(B) involving extensive parent and community involvement.

(b) Applicability.--Sections 5103, 5106, 5107, and 5108, shall not apply to grants awarded under subsection (a).

(c) Applications.--Each local educational agency or consortia of such agencies desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information and assurances as the Secretary may reasonably require.

(d) Innovative Programs.--The Secretary shall reserve not more than 5 percent of the funds appropriated under section 5113(a) for each fiscal year to award grants under this section.

SEC. 5112. EVALUATIONS.

(a) Reservation.--The Secretary may reserve not more than two percent of the funds appropriated under section 5113(a) for any fiscal year to carry out evaluations of projects assisted under this part.

(b) Contents.--Each evaluation described in subsection (a), at a minimum, shall address--

(1) how and the extent to which magnet school programs lead to educational quality and improvement;

(2) the extent to which magnet school programs enhance student access to quality education;

(3) the extent to which magnet school programs lead to the elimination, reduction, or prevention of minority group isolation in elementary and secondary schools with substantial proportions of minority students; and

(4) the extent to which magnet school programs differ from other school programs in terms of the organizational characteristics and resource allocations of such magnet school programs.

SEC. 5113. AUTHORIZATION OF APPROPRIATIONS; RESERVATION.

(a) Authorization.--For the purpose of carrying out this part, there are authorized to be appropriated \$120,000,000 for fiscal year 1995 and such sums as may be necessary for each of the 4 succeeding fiscal years.

(b) Availability of Funds for Grants to Agencies Not Previously Assisted.--In any fiscal year for which the amount appropriated pursuant to subsection (a) exceeds \$75,000,000, the Secretary shall give priority to using such amounts in excess of \$75,000,000 to award grants to local educational agencies or consortia of such agencies that did not receive a grant under this part in the preceding fiscal year.

SECTION C

APPLICATION CONTENTS

GENERAL INSTRUCTIONS

Application Order

To compete for an award under this program competition, it is recommended that your completed application be organized in the following order and include the following five parts:

Part I: **Application for Federal Assistance (Standard Form 424 (Rev. 4-88)).**

This part of your application consists of the standard application face page on which you provide basic identifying information about the applicant and the application. Specific instructions for completing this form are located on the back of the form.

Part II: **Assurances and Certifications.**

Be certain to include all assurances and certifications, and sign each form in the appropriate place. The assurances and certifications included in this application package are:

- ☐ MSAP Assurances
- ☐ Assurances -- Non-Construction Programs
- ☐ Certifications Regarding Lobbying; Debarment, Suspension and Other

Part III: **Budget Form and Information (Standard Form 524).**

This part of your application contains information about the Federal funding you are requesting. Remember that you must provide complete budget information for each of the three years of the proposed project. Specific instructions for completing the budget forms and information immediately follow the form. Remember that Section C requires an itemized budget breakdown by project year and requests other explanations or comments deemed necessary. In providing explanations and comments, applicants are encouraged to identify planning costs (which are subject to limitations of 50% for the first year of the project; 15% for the second year of the project; and 10% for the third year of the project).

Part IV: Program Narrative Addressing Selection Criteria & Competitive Priorities.

This part of your application contains information responsive to the Magnet Schools Assistance Program's selection criteria and competitive priorities. In developing your narrative response to the selection criteria and competitive priorities, review each criterion and priority carefully and make sure that your narrative addresses all of its elements. Some of the information that you provide in your narrative addressing the selection criteria and competitive priorities has also been identified as a "data source" for the Magnet Schools Assistance Program's performance indicators. As you formulate your proposed project objectives and evaluation plans, it may be helpful to review the performance indicators to see how program narrative information that is referenced in the performance indicators is aligned to specific Magnet Schools Assistance Program performance plan objectives and indicators. A copy of the performance indicators has been included in this application package for your information.

Part V: Desegregation Plan Information.

This part of your application contains information related to the eligibility of your school district under the Magnet Schools Assistance Program. You will need to provide a copy of the school district's voluntary or court-ordered plan, along with enrollment data for the school district, the magnet schools for which assistance is being sought and their feeder schools. Like some aspects of your program narrative, some of the information provided in this part -- in particular, much of the enrollment data -- also serves as a data source for the Magnet Schools Assistance Program's performance indicators. It may be helpful to you to review the performance indicators to see how this information is used in the Magnet Schools Assistance Program's performance indicators to determine whether the Magnet Schools Assistance Program is successfully addressing its statutory purposes.

Additionally, applicants should review the "Notice inviting new applications for fiscal year 2001" for a detailed discussion of specific situations and suggested approaches regarding the enrollment data to be submitted, as well as information regarding the considerations that the Department's Office for Civil Rights uses to determine whether the use of race in a voluntary plan is narrowly tailored. The Notice may be found in Section B of this application package.

* * * * *

No grant may be awarded unless a complete application has been received. Submit an original and **four** copies of the completed application.

INSTRUCTIONS FOR PROGRAM NARRATIVE ADDRESSING SELECTION CRITERIA & COMPETITIVE PRIORITIES

The program narrative should be organized into two sections—one addressing the selection criteria in §280.31 of the MSAP regulations, the second addressing the competitive priorities in §280.32 of the MSAP regulations. Within each of these sections, applicants should address the selection criteria or competitive priorities (as appropriate) in the same order in which they appear in the regulations. The selection criteria and priorities, as shown below, are in the same order in which they appear in the MSAP regulations.

Applicants should also note that the maximum number of points indicated as available for each competitive priority is based on the point allocations for the competitive priorities shown in the Notice Inviting Applications for New Awards. The Notice may be found in Section B of this application package.

SELECTION CRITERIA (§280.31)

(a) *Plan of operation.* (25 points)

(1) The Secretary reviews each application to determine the quality of the plan of operation for the project.

(2) The Secretary determines the extent to which the applicant demonstrates--

(i) The effectiveness of the management plan to ensure proper and efficient administration of the project;

(ii) The effectiveness of its plan to attain specific outcomes that--

(A) Will accomplish the purposes of the program;

(B) Are attainable within the project period;

(C) Are measurable and quantifiable; and

(D) For multi-year projects, can be used to determine the project's progress in meeting its intended outcomes;

(iii) The effectiveness of its plan for utilizing its resources and personnel to achieve the objectives of the project, including how well it utilizes key personnel to complete tasks and achieve the objectives of the project;

(iv) How it will ensure equal access and treatment for eligible project participants who have been traditionally underrepresented in courses or activities

offered as part of the magnet school, e.g., women and girls in mathematics, science or technology courses, and disabled students; and

(v) The effectiveness of its plan to recruit students from different social, economic, ethnic, and racial backgrounds into the magnet schools.

(b) *Quality of personnel.* (10 points)

(1) The Secretary reviews each application to determine the qualifications of the personnel the applicant plans to use on the project.

(2) The Secretary determines the extent to which--

(i) The project director (if one is used) is qualified to manage the project;

(ii) Other key personnel are qualified to manage the project;

(iii) Teachers who will provide instruction in participating magnet schools are qualified to implement the special curriculum of the magnet schools; and

(iv) The applicant, as part of its nondiscriminatory employment practices will ensure that its personnel are selected for employment without regard to race, religion, color, national origin, sex, age, or disability.

(3) To determine personnel qualifications, the Secretary considers experience and training in fields related to the objectives of the project, including the key personnel's knowledge of and experience in curriculum development and desegregation strategies.

(c) *Quality of project design.* (35 points)

(1) The Secretary reviews each application to determine the quality of the project design.

(2) The Secretary determines the extent to which each magnet school for which assistance is sought will--

(i) Foster interaction among students of different social, economic, ethnic, and racial backgrounds in classroom activities, extracurricular activities, or other activities in the magnet schools (or, if appropriate, in the schools in which the magnet school programs operate);

(ii) Address the educational needs of the students who will be enrolled in the magnet schools;

(iii) Carry out a high quality educational program that will substantially strengthen students' reading skills or knowledge of mathematics, science, history,

geography, English, foreign language, art, music, or vocational skills;

(iv) Encourage greater parental decisionmaking and involvement; and

(v) Improve the racial balance of students in the applicant's schools by reducing, eliminating, or preventing minority group isolation in its schools.

(d) *Budget and resources.* (5 points) The Secretary reviews each application to determine the adequacy of the resources and the cost-effectiveness of the budget for the project, including--

(1) The adequacy of the facilities that the applicant plans to use;

(2) The adequacy of the equipment and supplies that the applicant plans to use; and

(3) The adequacy and reasonableness of the budget for the project in relation to the objectives of the project.

(e) *Evaluation plan.* (15 points) The Secretary determines the extent to which the evaluation plan for the project--

(1) Includes methods that are appropriate to the project;

(2) Will determine how successful the project is in meeting its intended outcomes, including its goals for desegregating its students and increasing student achievement; and

(3) Includes methods that are objective and that will produce data that are quantifiable.

(f) *Commitment and capacity.* (10 points)

(1) The Secretary reviews each application to determine whether the applicant is likely to continue the magnet school activities after assistance under this part is no longer available.

(2) The Secretary determines the extent to which the applicant--

(i) Is committed to the magnet schools project; and

(ii) Has identified other resources to continue support for the magnet school activities when assistance under this program is no longer available.

COMPETITIVE PRIORITIES (§280.32)

1. *Need for assistance.* (5 points) The Secretary evaluates the applicant's need for assistance under this part, by considering --

- (a) The cost of fully implementing the magnet schools project as proposed;
- (b) The resources available to the applicant to carry out the project if funds under the program were not provided;
- (c) The extent to which the costs of the project exceed the applicant's resources; and
- (d) The difficulty of effectively carrying out the approved plan and the project for which assistance is sought, including consideration of how the design of the magnet school project -- *e.g.*, the type of program proposed, the location of the magnet school within the LEA -- impacts on the applicant's ability to successfully carry out the approved plan.

2. *New or revised magnet schools projects.* (10 points) The Secretary determines the extent to which the applicant proposes to carry out new magnet schools projects or significantly revise existing magnet schools projects.

3. *Selection of students.* (15 points) The Secretary determines the extent to which the applicant proposes to select students to attend magnet schools by methods such as lottery, rather than through academic examination.

4. *Innovative approaches and systemic reform.* (10 points) The Secretary determines the extent to which the project for which assistance is sought proposes to implement innovative educational approaches that are consistent with the State's and local educational agency's systemic reform plans, if any, under the Goals 2000: Educate America Act.

5. *Collaborative efforts.* (5 points) The Secretary determines the extent to which the project for which assistance is sought proposes to draw on comprehensive community involvement plans.

DESEGREGATION PLAN INFORMATION

A. Check the appropriate item and attach a copy of the plan.

☐

If the applicant has a desegregation plan that (1) includes the magnet school(s) for which it is requesting assistance; and (2) has been previously approved by a court of the United States, a court of any State, or any other State agency or official of competent jurisdiction, attach a copy of that plan.

NOTE: If the applicant is implementing a previously approved plan that does not include the magnet school(s) for which assistance is requested, the plan must be modified to include the new magnet school(s) component. The applicant must obtain approval of the new magnet school(s) component, or any other modification to its desegregation plan, from the court, agency, or official that originally approved the plan.

The date by which proof of approval of any desegregation plan modifications must be submitted to the Department of Education is indicated in the "Notice inviting new applications for fiscal year 2001" under "Supplementary Information". The Notice may be found in Section B of this application package.

☐

If the applicant has a plan required under Title VI of the Civil Rights Act of 1964 that has been approved by the Secretary of Education, attach a copy of that plan.

☐

If the applicant has adopted and is implementing -- or will adopt and implement if assistance is made available under this part -- a voluntary plan to reduce, eliminate, or prevent minority group isolation in the magnet schools (or feeder schools, as appropriate) for which assistance is sought, attach a copy of the plan and a copy of the school board resolution or other evidence of final official action adopting and implementing the plan, or agreeing to adopt and implement the plan upon the award of assistance under the Magnet Schools Assistance Program.

B. Submit the following enrollment data and projections:

1. Districtwide numbers and percentages of minority group students in the LEA's or consortium of LEA's schools, for the grade levels involved in the applicant's magnet schools --

- * for the school year prior to the creation of each magnet school;
- * for the school year in which the application is being submitted (if different than the school year prior to the creation of a magnet school); and
- * projected enrollment figures for each of the years of the proposed grant cycle.

2. For existing magnet schools, enrollment numbers and percentages for minority and non-minority group students for each magnet school for which assistance is sought and each feeder school --

- * for the school year prior to the creation of each magnet school;
- * for the school year in which the application is being submitted; and
- * projected enrollment figures for each of the years of the proposed grant cycle.

3. For new magnet schools, enrollment numbers and percentages for minority and non-minority group students for each magnet school for which assistance is sought and each feeder school --

- * for the school year in which the application is being submitted; and
- * projected enrollment figures for each of the years of the proposed grant cycle.

See the "Notice inviting new applications for fiscal year 2001" for a detailed discussion of specific situations and suggested approaches regarding the enrollment data to be submitted, as well as information regarding the considerations that affect a determination of whether the use of race in a voluntary plan is narrowly tailored. The Notice may be found in Section B of this application package.

SECTION D

REQUIRED FORMS

REQUIRED FORMS

REQUIRED FORMS Cover Page - ED Form 424 and instructions Budget Summary Form - ED Form 524 and instructions Standard Form 424B--Assurances, Non-Construction Programs Certifications Regarding Lobbying; Debarment, Suspension and Other Responsibility Matters; and Drug-Free Workplace Requirements - ED Form 80-0013 Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion -- Lower Tier Covered Transactions - ED Form 80-0014 Disclosure of Lobbying Activities - Standard Form LLL The forms listed above are required in all application submissions. They are included in the printed application package, but not in the electronic package on the ED web site. If you download the electronic package, you must also download the required forms, which are available at: <http://ocfo.ed.gov/grntinfo/appforms.htm>. If you do not have access to this web site, please fax your request for these forms to (202) 208-3882. Please be sure to include your return fax number and/or mailing address.

MAGNET SCHOOLS ASSISTANCE PROGRAM ASSURANCES

In accordance with section 5106(b)(2) of the Improving America's Schools Act of 1994, the applicant hereby assures and certifies that it••

- (1) will use funds under this part for the purposes specified in section 5102 of the Improving America's Schools Act of 1994;
- (2) will employ teachers in the courses of instruction assisted under this part who are certified or licensed by the State to teach, or supervise others who are teaching, the subject matter of the courses of instruction;
- (3) will not engage in discrimination based on race, religion, color, national origin, sex or disability in the hiring, promotion, or assignment of employees of the agency or other personnel for whom the agency has any administrative responsibility;
- (4) will not engage in discrimination based on race, religion, color, national origin, sex or disability in the assignment of students to schools or to courses of instruction within the schools of the agency, except to carry out the approved plan;
- (5) will not engage in discrimination based on race, religion, color, national origin, sex or disability in designing or operating extracurricular activities for students;
- (6) will carry out a high-quality education program that will encourage greater parental decisionmaking and involvement; and
- (7) will give students residing in the local attendance area of the proposed magnet school projects equitable consideration for placement in those projects.

* * * * *

**FOR THOSE APPLICANTS THAT HAVE PREVIOUSLY APPROVED REQUIRED
DESEGREGATION PLANS••**

The applicant hereby assures and certifies that it is implementing that
desegregation plan as approved.

Signature of Authorized
Representative

Date

SECTION E

PERFORMANCE INDICATORS

NOTICE TO APPLICANTS: THE GOVERNMENT PERFORMANCE AND RESULTS ACT (GPRA)

What is GPRA?

The Government Performance and Results Act of 1993 (GPRA) is a straightforward statute that requires all federal agencies to manage their activities with attention to the consequences of those activities. Each agency is to clearly state what it intends to accomplish, identify the resources required, and periodically report their progress will contribute to improvements accountability for the expenditures of public funds, improve Congressional decision-making through more objective information on the effectiveness of federal programs, and promote a new government focus on results, service delivery, and customer satisfaction.

How has the Department of Education Responded to the GPRA Requirements?

As required by GPRA, the Department of Education has prepared a strategic plan for 1998-2002. This plan reflects the Department's priorities and integrates them with its mission and program authorities and describes how the Department will work to improve education for all children and adults in the U.S. The Department's goals, as listed in the plan, are:

- Goal 1: Help all students reach challenging academic standards so that they are prepared for responsible citizenship, further learning, and productive employment.
- Goal 2: Build a solid foundation for learning for all children.
- Goal 3: Ensure access to postsecondary education and lifelong learning.
- Goal 4: Make the Department of Education a high performance organization by focusing on results, service quality, and customer satisfaction.

The performance indicators for the Magnet Schools Assistance Program are part of the Department's plan for meeting goals 1 and 3. Specifically, the Magnet Schools Assistance Program supports objectives under goal 1 for the development of challenging standards and assessments for all students in the core academic areas and for making greater public school choice available to students and families. Under goal 3, the Magnet Schools Assistance Program supports the objective for secondary school students to get the information, skills, and support they need to prepare successfully for postsecondary education.

What are the Performance Indicators for the Magnet Schools Assistance Program?

The Department's specific performance objectives and indicators for the Magnet Schools Assistance Program are described in the table that follows this notice. Applicants may also obtain additional information about these performance indicators in the Magnet Schools Assistance Program (MSAP) Performance Indicators: Guide for MSAP Applicants and Grantees. The Guide is available through the Department's website at <http://www.ed.gov/PDFDocs/msapguide.pdf>.

MSAP PERFORMANCE INDICATOR SYSTEM

Objective	Indicator (of success)	Sources of Data and Next Update	
		Application	Annual Project Report
1. Federally funded magnet programs eliminate, reduce, or prevent the incidence and/or the degree of minority student isolation in targeted schools.	<p>1-1. Minority enrollment in targeted schools.</p> <ul style="list-style-type: none"> Targeted schools with objectives of <i>eliminating</i> or <i>preventing</i> minority group isolation keep their minority enrollments below 50 percent. Targeted schools with the objective of <i>reducing</i> minority group isolation reduce their minority enrollment percentages. 	<p>Provide overall district enrollment at time of application, by minority status, for the grade levels to be included in the magnet schools.</p> <p>List each magnet school and its:</p> <ul style="list-style-type: none"> enrollment by minority status (both number and percentages of students), by grade, at time of application, projected enrollment by minority status (both number and percentages of students), for each year of the proposed project, and objective (to eliminate, reduce, or prevent minority group isolation). If the objective is to prevent minority group isolation, provide projected enrollment by minority status, with and without magnet (i.e., operational definition of objective), with both number and percentages of students. <p>If a magnet school is <i>not</i> the targeted school, list both the magnet school and its targeted school. For the targeted school, state the objective, and provide enroll-</p>	<p>Report overall district enrollment by minority status, for the grade levels included in the magnet schools.</p> <p>For each magnet school:</p> <ul style="list-style-type: none"> provide current enrollment by minority status (both number and percentages of students) and by grade, provide current projections of enrollment by minority status, without the magnet (if appropriate), and report the success or progress in meeting the objective (to eliminate, reduce, or prevent minority group isolation). <p>Describe what these data suggest in terms of changes to your project.</p> <p>If the magnet is a program-within-a-school (PWS), include enrollment for both the PWS and the school, by minority status and grade level.</p> <p>If the magnet school is <i>not</i> the targeted school, provide enrollment data for the targeted school, by grade and by minority status, as well.</p>

		ment, by grade and by minority status.	
Objective	Indicators (of success)	Sources of Data and Next Update	
		Application	Annual Project Report
Objective 1 (continued)	1-2. Impact on feeder schools. <ul style="list-style-type: none"> Feeder schools do not become racially isolated, or, in districts where the minority enrollment is greater than 50%, minority enrollments in feeder schools do not increase above the district average for the grade levels served by the magnets. Minority enrollments conform to the specifications of the court or State agency that ordered the plan. 	<p>For each magnet school, identify feeder schools, and provide both their current enrollment and their projected enrollment for each year of the project by minority status (both number and percentages of students).</p> <p>If feeder school information is not available, describe the way in which your district will ensure that enrollments in nonmagnet schools are not negatively affected by the magnet program.</p>	<p>For each feeder school, provide enrollment by minority status (both number and percentages of students). Describe what these data suggest in terms of changes to your project.</p> <p>If feeder schools are private schools or are located in adjoining districts, list number and percentage of new enrollments (i.e., students not previously enrolled in district).</p> <p>If feeder school information was not provided in your application, report the results of efforts to ensure that minority isolation at nonmagnet schools is not increased by the magnet program.</p>
	1-3. Minority/nonminority distribution. Magnet curricular activities generally reflect the same minority/nonminority distribution as the magnet school (or PWS).	<p>Indicate curricular areas (e.g., classes, grades, subjects) in which you plan to promote broad participation and interaction among different groups of students in the magnet school (or PWS).</p>	<p>Provide data on student participation, by minority status, in areas intended to promote broad participation and interaction, for selected grades or subjects. Describe what these data suggest in terms of changes to your project.</p>

Objective	Indicators (of success)	Sources of Data and Next Update	
		Application	Annual Project Report
2. Federally funded magnet programs promote national, state, and local systemic reforms and are aligned with challenging State content standards and student performance standards.	2-1. National, state, and local reforms. Magnet programs play an active role in implementing national, state, and local reforms.	Describe systemic reforms being implemented in your district, the goals of these reforms, and the contributions your magnet program will make to these efforts.	Provide a narrative of up to three pages which describes how your magnet program has supported and extended systemic reforms in your district.
	2-2. State content and performance standards. Project designs explicitly provide evidence of the use of challenging State content standards and student performance standards. These are reflected in the program curriculum and in planned student assessments aligned to the curriculum.	<p>Indicate whether your state has a set of challenging content standards and student performance standards in the core subjects (e.g., reading, writing, math, science). If No, indicate whether such standards are being developed and in what subjects, and briefly describe the standards you are using in lieu of State standards.</p> <p>Indicate whether your state, district, or school has developed an assessment to measure performance against those standards. If Yes, indicate the subjects and whether you plan to use the assessment. If No, describe the assessment you intend to use and why.</p>	Identify any exceptions or changes to application information. Submit the assessment data as part of Objective 4.

Objective	Indicators (of success)	Sources of Data and Next Update	
		Application	Annual Project Report
3. Federally funded magnet programs feature innovative educational methods and practices that meet identified student needs and interests.	3-1. Innovative themes. Magnet programs incorporate innovative themes and elements that meet identified student needs and interests.	Describe the themes and elements in the magnet program that will meet identified student needs and interests, and provide a rationale for selecting these themes and elements.	For each magnet school, provide a narrative of up to two pages which describes how the magnet program has implemented these themes and elements and how they are meeting identified student needs and interests.
	3-2. Innovative educational methods and practices. Magnet programs incorporate innovative educational methods and practices that promote student achievement.	Identify the elements in the magnet program that will promote student achievement, and provide a rationale for selecting these elements.	For each magnet school, provide a narrative of up to three pages which describes activities, methods, and practices, each of which meets all of these criteria: <ul style="list-style-type: none"> • is related to the magnet theme, • was not produced in the school prior to the magnet program, • is used by at least two teachers in the school, and • impacts the achievement of 20 or more students.

Objective	Indicators (of success)	Sources of Data and Next Update	
		Application	Annual Project Report
4. Federally funded magnet programs strengthen students' knowledge of academic subjects and skills needed for successful careers in the future.	4-1. Improved student achievement. Magnet students show achievement gains in core subjects, as well as in applied learning skills, which meet or exceed the gains for students in the district as a whole. (Applied learning skills include higher order thinking skills, individual problem-solving ability, communication skills, computer skills, and ability to contribute to group projects.)	Describe how increases in academic knowledge and applied learning skills will be assessed, overall and by minority status. Identify criteria for defining <i>magnet student</i> , measures to be examined, and relevant comparison or reference groups, where appropriate.	Document the results from these assessments, overall and by school, grade, and minority status. Include both the number and percentage of students who meet the standard for performance. Describe what these data suggest in terms of changes to your project.
	4-2. Vocational skills. <i>(Optional for federally funded magnet schools or PWSs that do not feature development of specialized skills)</i> Magnet students demonstrate knowledge and proficiency in vocational skills related to the magnet theme.	Describe the specific skills to be developed and how proficiency in these skills will be assessed, overall and by grade and minority status. Identify the standard for performance and the measure to be used against that standard.	Document the results from these assessments, overall and by school, grade, and minority status. Include both the number and percentage of students who meet the standard for performance. Describe what these data suggest in terms of changes to your project.

SECTION F

ESTIMATED PUBLIC REPORTING BURDEN

Estimated Public Reporting Burden

Paperwork Burden Statement

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless such collection displays a valid OMB control number. The valid OMB control number for this information collection is **1810-0516**. The time required to complete this information collection is estimated to average **25** hours per response, including the time to review instructions, search existing data resources, gather the data needed, and complete and review the information collection. **If you have any comments concerning the accuracy of the time estimate(s) or suggestions for improving this form, please write to: U.S. Department of Education, Washington, D.C. 20202-4651. If you have comments or concerns regarding the status of your individual submission of this form, write directly to: Magnet Schools Assistance Program, U.S. Department of Education, 400 Maryland Avenue, S.W., Room 3E112, Washington D.C. 20202-6140.**

SECTION G

TRANSMITTAL INSTRUCTIONS & CHECKLIST

APPLICATION TRANSMITTAL INSTRUCTIONS

An application for an award must be mailed or hand delivered by the closing date.

Applications Sent By Mail

An application sent by mail must be addressed to the U.S. Department of Education, Application Control Center, Attention: CFDA 84.165A, 400 Maryland Avenue, SW, Washington, DC 20202-4725.

An application must show proof of mailing consisting of one of the following:

- (1) A legibly dated U.S. Postal Service Postmark.
- (2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.
- (3) A dated shipping label, invoice, or receipt from a commercial carrier.
- (4) Any other proof of mailing acceptable to the U.S. Secretary of Education.

If an application is sent through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing:

- (1) A private metered postmark, or
- (2) A mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

An applicant is encouraged to use registered or at least first class mail.

Each late applicant will be notified that its application will not be considered.

Applications Delivered by Hand/Courier Service

An application that is hand delivered must be taken to the U.S. Department of Education, Application Control Center, Room 3633, General Services Administration National Capital Region, 7th and D Streets, SW, Washington, DC 20202-4725.

The Application Control Center will accept deliveries between 8:00 a.m., and 4:30 p.m. (Washington, DC time) daily, except Saturdays, Sundays, and Federal holidays.

Individuals delivering applications must use the D Street Entrance. Proper identification is necessary to enter the building.

In order for an application sent through a Courier Service to be considered timely, the Courier Service must be in receipt of the application on or before the closing date.

APPLICATION CHECKLIST

Does your application include each of the following?

- ☐ Cover page (SF 424)
- ☐ Budget form (ED Form 524)
- ☐ Itemized budget and other budget information
- ☐ Program narrative, including responses to the selection criteria and priorities
- ☐ Copy of desegregation plan and required documentation
- ☐ Assurances and Certifications
 - ☐ Magnet Schools Assistance Program Assurances
 - ☐ Assurances • • Non-Construction Programs
 - ☐ Certifications Regarding Lobbying; Debarment; Suspension and Other Responsibility Matters; and Drug-Free Workplace Requirements
 - ☐ Certification Regarding Debarment, Suspension, Ineligibility & Voluntary Exclusion - Lower Tier Covered Transactions
 - ☐ Disclosure of Lobbying Activity

Did You --

- ☐ Provide one (1) original plus four (4) copies of the application?
- ☐ Include all required forms with original signatures and dates?
- ☐ Submit a copy of the application to the State Single Point of Contact? [if applicable]
- ☐ Mail Application To: **OR** Hand-deliver Application To:

MAGNET SCHOOLS
 ASSISTANCE PROGRAM
 ATTN: CFDA No. 84.165A
 U.S. Department of Education
 Application Control Center
 400 Maryland Avenue, SW
 Washington, DC 20202-4725

MAGNET SCHOOLS
 ASSISTANCE PROGRAM
 ATTN: CFDA No. 84.165A
 U.S. Department of Education
 Application Control Center
 7th & D Streets, SW, Room 3633
 Washington, DC 20202-4725

SECTION H

OTHER IMPORTANT INFORMATION & NOTICES

GUIDANCE ON SECTION 427 OF THE GENERAL EDUCATION PROVISION ACT

Notice To All Applicants

The purpose of this enclosure is to inform you about a provision in the Department of Education's General Education Provisions Act (GEPA) that applies to applicants for new grant awards under Department programs. This provision is Section 427 of GEPA, enacted as part of the Improving America's Schools Act of 1994 (Pub. L. 103-382).

To whom does this provision apply?

Section 427 of GEPA affects applicants for new grant awards under this program. All applicants for new awards must include information in their applications to address this provision in order to receive funding under this program.

What does this provision require?

Section 427 requires each applicant for funds (other than an individual person) to include in its application a description of the steps the applicant proposes to take to ensure equitable access to, and participation in its Federally-assisted program for students, teachers, and other program beneficiaries with special needs.

This provision allows applicants discretion in developing the required description. The statute highlights six types of barriers that can impede equitable access or participation : gender, race, national origin, color, disability, or age. Based on local circumstances, you should determine whether these or other barriers may prevent your students, teachers, etc. from such access or participation in, the Federally-funded project or activity. The description in your application of steps to be taken to overcome these barriers need not be lengthy; you may provide a clear and succinct description of how you plan to address those barriers that are applicable to your circumstances. In addition, the information may be provided in a single narrative, or, if appropriate, may be discussed in connection with related topics in the application.

Section 427 is not intended to duplicate the requirements of civil rights statutes, but rather to ensure that, in designing their projects, applicants for Federal funds address equity concerns that may affect the ability of certain potential beneficiaries to fully participate in the project and to achieve to high standards. Consistent with program requirements and its approved application, an applicant may use the Federal funds awarded to it to eliminate barriers it identifies.

What are examples of how an applicant might satisfy the requirement of this provision?

The following examples may help illustrate how an applicant may comply with Section 427.

- (1) An applicant that proposes to carry out an adult literacy project serving, among others, adults with limited English proficiency, might describe in its application how it intends to distribute a brochure about the proposed project to such potential participants in their native language.
- (2) An applicant that proposes to develop instructional materials for classroom use might describe how it will make the materials available on audio tape or in Braille for students who are blind.
- (3) An applicant that proposes to carry out a model science program for secondary students and is concerned that girls may be less likely than boys to enroll in the course, might indicate how it intends to conduct "outreach" efforts to girls, to encourage their enrollment.

We recognize that many applicants may already be implementing effective steps to ensure equity of access and participation in their grant programs, and we appreciate your cooperation in responding to the requirements of this provision.

Estimated Burden Statement for GEPA Requirements

The time required to complete this information collection is estimated to vary from 1 to 3 hours per response, with an average of 1.5 hours, including the time to review instructions, search existing data resources, gather and maintain the data needed, and complete and review the information collection.

If you have any comments concerning the accuracy of the time estimate(s) or suggestions for improving this form, please write to: U.S. Department of Education, Washington, DC 20202-4651.

OMB Control No. 1801-0004 (Exp. 8/31/2001)

INTERGOVERNMENTAL REVIEW OF FEDERAL PROGRAMS

This appendix applies to each program that is subject to the requirements of Executive Order 12372 (Intergovernmental Review of Federal Programs) and the regulations in 34 CFR part 79.

The objective of the Executive order is to foster an intergovernmental partnership and to strengthen federalism by relying on State and local processes for State and local government coordination and review of proposed Federal financial assistance.

Applicants must contact the appropriate State Single Point of Contact to find out about, and to comply with, the State's process under Executive Order 12372. Applicants proposing to perform activities in more than one State should immediately contact the Single Point of Contact for each of those States and follow the procedure established in each of those States under the Executive order. A listing containing the Single Point of Contact for each State is included in this appendix.

In States that have not established a process or chosen a program for review, State, areawide, regional, and local entities may submit comments directly to the Department.

Any State Process Recommendation and other comments submitted by a State Single Point of Contact and any comments from State, areawide, regional, and local entities must be mailed or hand-delivered by the date indicated in the actual application notice to the following address: The Secretary, EO 12372--CFDA# 84.165A, U.S. Department of Education, Room 7W100, 400 Maryland Avenue, SW., Washington, DC 20202

Proof of mailing will be determined on the same basis as applications (see 34 CFR 75.102). Recommendations or comments may be hand-delivered until 4:30 p.m. (Washington, DC time) on the date indicated in the actual application notice.

PLEASE NOTE THAT THE ABOVE ADDRESS IS NOT THE SAME ADDRESS AS THE ONE TO WHICH THE APPLICANT SUBMITS ITS COMPLETED APPLICATION. DO NOT SEND APPLICATIONS TO THE ABOVE ADDRESS.

THIS PUBLICATION BY THE U.S. DEPARTMENT OF EDUCATION (ED OR THE DEPARTMENT) IS AN UNOFFICIAL VERSION OF THE STATE SINGLE POINT OF CONTACT (SPOC) LIST PUBLISHED BY THE OFFICE OF MANAGEMENT AND BUDGET (OMB). THE DEPARTMENT HAS MADE EVERY EFFORT TO ENSURE THE ACCURACY OF THE INFORMATION CONTAINED IN THIS UNOFFICIAL VERSION. HOWEVER, THE ONLY OFFICIAL VERSION OF THE STATE SINGLE POINT OF CONTACT (SPOC) LIST IS POSTED ON THE GRANTS MANAGEMENT SECTION OF THE OMB WEB SITE:

[HTTP://WWW.WHITEHOUSE.GOV/OMB/GRANTS/SPOC.HTML](http://www.whitehouse.gov/omb/grants/spoc.html).

STATE SINGLE POINTS OF CONTACT (SPOCs)

It is estimated that in 2000, the Federal Government will outlay \$283.5 billion in grants to State and local governments. Executive Order 12372, "Intergovernmental Review of Federal Programs," was issued with the desire to foster the intergovernmental partnership and strengthen federalism by relying on State and local processes for the coordination and review of proposed Federal financial assistance and direct Federal development. The Order allows each State to designate an entity to perform this function. Below is a copy of the official list of those entities. For those States that have a home page for their designated entity, a direct link has been provided from the official version of this document from the OMB web page at the following address: <http://www.whitehouse.gov/omb/grants/spoc.html>

<p style="text-align: center;">ARIZONA</p> <p>Joni Saad Arizona State Clearinghouse 3800 N. Central Avenue Fourteenth Floor Phoenix, Arizona 85012 Telephone: (602) 280-1315 FAX: (602) 280-8144 Jonis@ep.state.az.us</p>	<p style="text-align: center;">ARKANSAS</p> <p>Tracy L. Copeland Manager, State Clearinghouse Office of Intergovernmental Services Department of Finance and Administration 1515 W. 7th Street, Room 412 Little Rock, Arkansas 72203 Telephone: (501) 682-1074 FAX: (501) 682-5206 Tlcopeland@dfa.state.ar.us</p>
<p style="text-align: center;">CALIFORNIA</p> <p>Grants Coordination State Clearinghouse Office of Planning and Research P.O. Box 3044, Room 222 Sacramento, California 95812-3044 Telephone: (916) 445-0613 FAX: (916) 323-3018 State.clearinghouse@opr.ca.gov</p>	<p style="text-align: center;">DELAWARE</p> <p>Charles H. Hopkins Executive Department Office of the Budget 540 S. Dupont Highway, 3rd Floor Dover, Delaware 19901 Telephone: (302) 739-3323 FAX: (302) 739-5661 Chopkins@state.de.us</p>

<p align="center">DISTRICT OF COLUMBIA</p> <p>Ron Seldon Office of Grants Management and Development 717 14th Street, NW, Suite 1200 Washington, DC 20005 Telephone: (202) 727-1705 FAX: (202) 727-1617 ogmd-ogmd@dcgov.org</p>	<p align="center">FLORIDA</p> <p>Cherie L. Trainor Florida State Clearinghouse Department of Community Affairs 2555 Shumard Oak Blvd. Tallahassee, Florida 32399-2100 Telephone: (850) 922-5438 FAX: (850) 414-0479 Telephone: (850) 414-5495 (direct) Cherie.trainor@dca.state.fl.us</p>
<p align="center">GEORGIA</p> <p>Georgia State Clearinghouse 270 Washington Street, SW Atlanta, Georgia 30334 Telephone: (404) 656-3855 FAX: (404) 656-7901 gach@mail.opb.state.ga.us</p>	<p align="center">ILLINOIS</p> <p>Virginia Bova Department of Commerce and Community Affairs James R. Thompson Center 100 West Randolph, Suite 3-400 Chicago, Illinois 60601 Telephone: (312) 814-6028 FAX: (312) 814-1800 vbova@commerce.state.il.us</p>
<p align="center">INDIANA</p> <p>Frances Williams State Budget Agency 212 State House Indianapolis, Indiana 46204-2796 Telephone: (317) 232-2972 FAX: (317) 233-3323 fwilliams@sbs.state.in.us</p>	<p align="center">IOWA</p> <p>Steven R. McCann Division of Community and Rural Development Iowa Department of Economic Development 200 East Grand Avenue Des Moines, Iowa 50309 Telephone: (515) 242-4719 FAX: (515) 242-4809 Steve.mccann@ided.state.ia.us</p>

<p>KENTUCKY</p> <p>Kevin J. Goldsmith, Director Sandra Brewer, Executive Secretary Intergovernmental Affairs Office of the Governor 700 Capitol Avenue Frankfort, Kentucky 40601 Telephone: (502) 564-2611 FAX: (502) 564-0437 kgoldsmith@mail.state.ky.us Sbrewer@mail.state.ky.us</p>	<p>MAINE</p> <p>Joyce Benson State Planning Office 184 State Street 38 State House Station Augusta, Maine 04333 Telephone: (207) 287-3261 Telephone: (207) 287-1461 (direct) FAX: (207) 287-6489 Joyce.benson@state.me.us</p>
<p>MARYLAND</p> <p>Linda Janey Manager, Clearinghouse and Plan Review Unit Maryland Office of Planning 301 West Preston Street – Room 1104 Baltimore, Maryland 21201-2305 Telephone: (410) 767-4490 FAX: (410) 767-4480 linda@mail.op.state.md.us</p>	<p>MICHIGAN</p> <p>Richard Pfaff Southeast Michigan Council of Governments 660 Plaza Drive – Suite 1900 Detroit, Michigan 48226 Telephone: (313) 961-4266 FAX: (313) 961-4869 pfaff@semcog.org</p>
<p>MISSISSIPPI</p> <p>Catherine Mallette Clearinghouse Officer Department of Finance and Administration 550 High Street 303 Walters Sillers Building Jackson, Mississippi 39201-3087 Telephone: (601) 359-6762 FAX: (601) 359-6758</p>	<p>MISSOURI</p> <p>Lois Pohl Federal Assistance Clearinghouse Office of Administration P.O. Box 809 Jefferson Building, Room 915 Jefferson City, Missouri 65102 Telephone: (573) 751-4834 FAX: (573) 522-4395 pohl@mail.oa.state.mo.us</p>

<p style="text-align: center;">NEVADA</p> <p>Heather Elliot Department of Administration State Clearinghouse 209 E. Musser Street, Room 200 Carson City, Nevada 89701 Telephone: (775) 684-0209 FAX: (775) 684-0260 Helliot@govmail.state.nv.us</p>	<p style="text-align: center;">NEW HAMPSHIRE</p> <p>Jeffrey H. Taylor Director, New Hampshire Office of State Planning Attn: Intergovernmental Review Process Mike Blake 2½ Beacon Street Concord, New Hampshire 03301 Telephone: (603) 271-2155 FAX: (603) 271-1728 Jtaylor@osp.state.nh.us</p>
<p style="text-align: center;">NEW MEXICO</p> <p>Ken Hughes Local Government Division Bataan Memorial Building – Room 201 Santa Fe, New Mexico 87503 Telephone: (505) 827-4370 FAX: (505) 827-4948 khughes@dfa.state.nm.us</p>	<p style="text-align: center;">NORTH CAROLINA</p> <p>Jeanette Furney Department of Administration 1302 Mail Service Center Raleigh, North Carolina 27699-1302 Telephone: (919) 807-2323 FAX: (919) 733-9571 jeanette.furney@ncmail.net</p>
<p style="text-align: center;">NORTH DAKOTA</p> <p>Jim Boyd Division of Community Services 600 East Boulevard Ave., Dept. 105 Bismarck, North Dakota 58505-0170 Telephone: (701) 328-2094 FAX: (701) 328-2308 jboyd@state.nd.us</p>	<p style="text-align: center;">RHODE ISLAND</p> <p>Kevin Nelson Department of Administration Statewide Planning Program One Capitol Hill Providence Rhode Island 02908-5870 Telephone: (401) 222-2093 FAX: (401) 222-2083 knelson@doa.state.ri.us</p>
<p style="text-align: center;">SOUTH CAROLINA</p> <p>Omeagia Burgess Budget and Control Board Office of State Budget 1122 Ladies Street – 12th Floor Columbia, South Carolina 29201 Telephone: (803) 734-0494 FAX: (803) 734-0645 aburgess@budget.state.sc.us</p>	<p style="text-align: center;">TEXAS</p> <p>Tom Adams Governors Office Director, Intergovernmental Coordination P.O. Box 12428 Austin, Texas 78711 Telephone: (512) 463-1771 FAX: (512) 936-2681 tadams@governor.state.tx.us</p>

<p style="text-align: center;">UTAH</p> <p>Carolyn B. Wright Utah State Clearinghouse Governor's Office of Planning and Budget State Capitol – Room 114 Salt Lake City, Utah 84114 Telephone: (801) 538-1535 FAX: (801) 538-1547 cwright@gov.state.ut.us</p>	<p style="text-align: center;">WEST VIRGINIA</p> <p>Fred Cutlip, Director Community Development Division West Virginia Development Office Building #6, Room 553 Charleston, West Virginia 25305 Telephone: (304) 558-4010 FAX: (304) 558-3248 fcutlip@wvdo.org</p>
<p style="text-align: center;">WISCONSIN</p> <p>Jeff Smith Section Chief, Federal/State Relations Wisconsin Department of Administration 101 East Wilson Street – 6th Floor P.O. Box 7868 Madison, WI 53707 Telephone: (608) 266-0267 FAX: (608) 267-6931 jeffrey.smith@doa.state.wi.us</p>	<p style="text-align: center;">WYOMING</p> <p>Sandy Ross Department of Administration and Information 2001 Capitol Avenue, Room 214 Cheyenne, Wyoming 82002 Telephone: (307) 777-5492 FAX: (307) 777-3696 sross1@missc.state.wy.us</p>

<p style="text-align: center;">GUAM</p> <p>Director Bureau of Budget and Management Research Office of the Governor P.O. Box 2950 Agana, Guam 96910 Telephone: (011) (671) 472-2285 FAX: (011) (671) 475-2825 jer@ns.gov.gu</p>	<p style="text-align: center;">PUERTO RICO</p> <p>Norma Burgos / José E. Caro Puerto Rico Planning Board Federal Proposals Review Office Minillas Government Center P.O. Box 41119 San Juan, Puerto Rico 00940-1119 Telephone: (787) 727-4444 (PRPB) Telephone: (787) 723-6190 (FPRO) FAX: (787) 724-3270</p>
<p style="text-align: center;">NORTH MARIANA ISLANDS</p> <p>Ms. Jacoba T. Seman Federal Programs Coordinator Office of Management and Budget Office of the Governor Saipan, MP 96950 Telephone: (011) (670) 664-2289 FAX: (011) (670) 664-2272 omb.jseman@saipan.com</p>	<p style="text-align: center;">VIRGIN ISLANDS</p> <p>Ira Mills Director, Office of Management & Budget #41 Norregade Emancipation Garden Station, Second Floor Saint Thomas, Virgin Islands 00802 Irmills@usvi.org</p>

Changes to this list can be made only after OMB is notified by a State's officially designated representative. E-mail messages can be sent to grants@omb.eop.gov. If you prefer, you may send correspondence to the following postal address:

Attn: Grants Management
Office of Management and Budget
New Executive Office Building, Suite 6025
725 17th Street, NW
Washington, DC 20503

IMPORTANT NOTICE

TO PROSPECTIVE PARTICIPANTS IN U.S. DEPARTMENT OF EDUCATION CONTRACT AND GRANT PROGRAMS

GRANTS

Applicants for grants from the U.S. Department of Education (ED) have to compete for limited funds.

Deadlines assure all applicants that they will be treated fairly and equally, without last minute haste.

For these reasons, ED must set strict deadlines for grant applications. Prospective applicants can avoid disappointment if they understand that:

Failure to meet a deadline will mean that an applicant will be
Rejected without any consideration whatever.

The rules, including the deadline, for applying for each grant are published, individually, in the Federal Register. A one-year subscription to the Register may be obtained by sending \$340.00 to: Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402-9371. (Send check or money order only, no cash or stamps.)

The instructions in the Federal Register must be followed exactly. Do not accept any other advice you may receive. No ED employee is authorized to extend any deadline published in the Register.

Questions regarding submission of applications may be addressed to:

U.S. Department of Education
Application Control Center
Washington, D.C. 20202-4725

CONTRACTS

Competitive procurement actions undertaken by the ED are governed by the Federal Procurement Regulation and implementing ED Procurement Regulation.

Generally, prospective competitive procurement actions are synopsized in the Commerce Business Daily (CBD). Prospective offerors are therein advised of the nature of the procurement

and where to apply for copies of the Request for Proposals (RFP).

Offerors are advised to be guided solely by the contents of the CBD synopsis and the instructions contained in the RFP. Questions regarding the submission of offers should be addressed to the Contracts Specialist identified on the face page of the RFP.

Offers are judged in competition with others, and failure to conform with any substantive requirements of the RFP will result in rejection of the offer without any consideration whatever.

Do not accept any advice you receive that is contrary to instructions contained in either the CBD synopsis or the RFP. No ED employee is authorized to consider a proposal which is non-responsive to the RFP.

A subscription to the CBD is available for \$208.00 per year via second class mailing or \$261.00 per year via first class mailing. Information included in the Federal Acquisition Regulation is contained in Title 48, Code of Federal Regulations, Chapter 1 (\$49.00). The foregoing publication may be obtained by sending your check or money order only, no cash or stamps, to:

Superintendent of Documents
U.S. Government Printing Office
Washington, D.C. 20402-9371

In an effort to be certain this important information is widely disseminated, this notice is being included in all ED mail to the public. You may therefore, receive more than one notice. If you do, we apologize for any annoyance it may cause you.

ED FORM 5348, 8/92

REPLACES ED FORM 5348, 6/86 WHICH IS OBSOLETE